







*Alij diutius Imperium tenuerunt, nemo tam fortiter reliquit. Tacit. Histor. Lib. 2. c. 47. p. 417.*



Augustissimi CAROLI  
Gratia ANGLIÆ  
FRANCIÆ ET  
*Bona agere & mala*

*Secundi Dei*  
SCOTIÆ  
HIBERNIÆ, REX.  
*pati Requirit est*  
*Page. 1.*

The Establish'd Church:  
OR, A  
SUBVERSION  
OF ALL  
The Romanist's Pleas  
FOR THE  
POPE'S SUPREMACY  
IN  
ENGLAND.

*Together with*  
A VINDICATION of the present  
Government of the Church of *Eng-*  
*land*, as allow'd by the *Laws* of the  
*Land*, against all *Fanatical* exceptions;  
particularly of Mr. *Hickeringill*, in  
His Scandalous Pamphlet, stiled  
*NAKED TRUTH*, the 2d. Part.

*In Two Books.*

By *FRAN. FULLWOOD*, D.D.  
Archdeacon of *Totnes* in *Devon*.

*L O N D O N*,  
Printed for *R. Royston*, Bookseller to the  
King's most Sacred Majesty, at the *Angel*  
in *Amen-Corner*, MDC LXXXI.

The Bishop's Church

STB/LB 1504



(Government of India - New Delhi)

add to the list of the following:



REVERENDISSIMO

In Christo Patri

GULIELMO

Archiepiscopo

CANTUARIENSI,

Totius ANGLIÆ PRIMATI,

&

Regiæ Serenissimæ Majestatis

à

Sanctioribus Conciliis.

*FRANCISCUS FULLWOOD,*

Olim

Collegii EMANUEL.

Apud

CANTABRIGIENSES,

Librum hunc, humillimè

D. D. D.

REVERENDISSIMO

In Christo Patri

GUILLELMO

Archiepiscopo

CANTuariensi

Toni Anglie Primati

&

Regie Serenissime Majestatis

et

Sacrisanctae Concilii

FRANCISCO FULLWOOD

olim

Collegii Bomanici

Apud

CANTuarienses

Librum hunc, humiliter

D. D. D.

A

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TO THE  
RIGHT REVEREND  
Father in God,  
**GEORGE**  
Lord Bishop of  
**WINTON;**  
Prelate of the Most Noble Order  
of the GARTER.

*My very good Lord:*

**B**lessed be *God*, that I have *Survived*  
this Labour, which I once feared  
I should have *sunk* under; and  
that I live to publish my Endeavours once  
more, in the Service of the Church of  
*England*; and thereby, have obtained my  
*wish'd* opportunity, to *dedicate* a *Monument*  
A 4 of

## *The Epistle Dedicatory.*

of my deep Sence, of your Lordship's manifold obligations upon me.

In particular, I rejoyce in the acknowledgment, that I ow my Publick Station, next under *God* and His Sacred Majesty, to your Lordship's Assistance and Sole Interest; though, I cannot think, so much out of kindness to my Person (*then, altogether unknown to your Lordship*) as affection and care of the Church; grounded in a great and pious intention, (however the object be esteem'd) truly worthy of so Renowned a Prelate, and (*many other waies*) excellent and admired Patriot of the Church of England.

If, either my former attempts have been anywise available to the weakning the Bulworks of Non-Conformity; or my present Essay, may succeed, in any measure, to evince or confirm the Truth in this greater Controversie; I am happy; that, as God hath some glory, and the Church some advantage; so some honour redounds upon your Lordship; who, with a virtuous design,



## The Epistle Dedicatory.

sign, gave me a Capacity at first, and ever since, have quickned and animated my Endeavours, in those Services.

I may be permitted to name our Controversie with the Church of Rome, the great Controversie: For having been exercised, in all the sorts of Controversie with Adversaries, on the other hand; I have found, that all of them put together, are not considerable; either, for weight of matter, or copiousness of Learning; or for Art, Strength, or Number of Adversaries, in comparison of this.

It takes in, the Length of time; the Breadth of place; and is managed, with the Heighth of Wit, and Depth of Subtlety; the Hills are covered with the Shadow of it, and its Boughs are like the goodly Cedars.

My Essay in these Treatises, is, to shorten and clear the way; and therefore, though I must run with it through all time; I have reduc'd the place; and removed the Wit and Subtleties, that would impede our progress.

I have

## *The Epistle Dedicatory.*

I have endeavoured to lop off *luxuriant* branches, and swelling *excrescencies*; to lay aside all personal reflections, captious advantages, *Sophistical* and *Sarcastical* Wit; and to set the Arguments on *both* sides, free from the darkness of all kind of *cunning*, either of *escape* or *reply*, in their plain light and proper strength; as also, to confine the Controversie, as near as I can, within the bounds of our own Concern, *i. e.* our own Church.

And when this is done, the plain and naked truth is; that the *meanest* of our other Adversaries (I had almost said the silly Quaker himself) seems to me, to have better Grounds, and more like *Christian*, than the *glorious Cause* of the Papacy.

But to draw a little nearer to our Point; your Lordship cannot but observe, that one end of the *Roman Compass*, is ever fixed upon the *same Center*; and the sum of their clamour is, our *disobedience to the See of Rome*. Our defense stands, upon a twofold Exception: 1. Against the *Authority*: 2. Against

## *The Epistle Dedicatory.*

gainst the *Laws* of *Rome*; and if either be justified, we are innocent.

The first *Exception* (and the defence of our Church, against the *Authority* of that *See*) is the matter of this *Treatise*; the second, is reserved.

I have determined, that all the *Arguments* for the *Pope's Authority*, in *England*, are reduceable, to a five-fold *Plea*: the *Right of Conversion* as our *Apostle*; the *Right of a Patriarch*; the *Right of Infalibility*; the *Right of Prescription*, and the *Right of Universal Pastorship*: the *Examination* of them, carries us through our *Work*.

Verily, to my knowledge, I have omitted nothing *Argumentative* of any one of these *Pleas*: yea, I have considered all those little *inconsiderable* things, which, I find any *Romanists* seem to make much of. But, indeed, their pretended *Right of possession* in *England*, and the *Universal Pastorship*, (to which they adhere, as their *surest holds*) have my most intended and  
greatest

## The Epistle Dedicatory.

greatest strength, and care and dilligence; that nothing material, or seemingly so, might escape, either unobserved, or not fully answered; let not the contrary be said, but shewn.

I have further laboured to contract the Controversie, two ways.

1. By a very careful, as well as large, and I hope, as clear state of the question, in my definition and discourse of Schism, at the beginning: whereby, mistakes may be prevented, and much of matter disputed by others, excluded.

2. By waving the dispute of such things, as have no influence into the Conclusion; and (according to my use) giving as many and as large Concessions to the Adversary, as our Cause will suffer.

Now, my end being favourably understood, I hope, there is no need to ask your Lordships, or any others, pardon, for that I have chosen not to dispute, two great things.

1. That, in the Words (*tu es Petrus,*

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*Super hanc Petram*) there is intended, some respect, peculiar to Saint Peter's Person: it is generally acknowledged, by the most learned Defenders of our Church, that Saint Peter had a Primacy of Order; and your Lordship well knows, that many of the Ancient Fathers have expressed as much; and I intend no more.

2. That Tradition may be Infallible, or indefectible, in the delivery of the *Essentials* of Religion, for ought we know. By the *Essentials*, we mean no more, but the Creed, the Lord's Prayer, the Decalogue, and the two Sacraments: in this I have my Second, and my Reason too: for then Rushworth's Dialogues, and the new Methods of Roman opposition, need not trouble us.

My good Lord, it is high time, to beg your Pardon; that I have reason to conclude with an excuse, for a long Epistle: the truth is, I thought my self accountable to your Lordship, for a Brief of the Book, that took its being from your Lordship's  
Encouragement;

## The Epistle Dedicatory.

Encouragement; and the rather, because it seems unmannerly to expect, that your good Old Age should perplex it self with Controversie: which the Good God, continue long and happy, to the honour of his Church on Earth; and then, crown with the Glory of Heaven. It is the hearty prayer of,

My Lord,

Your Lordships most obliged

and devoted Servant,

FR. FULLWOOD

A  
P R E F A C E  
T O T H E  
R E A D E R.

Good Reader,

**O**ur Roman Adversaries claim the Subjection of the Church of England by several Arguments; but insist, chiefly, upon that of possession, and the Universal Pastorship: if any shall deign to answer me, I think it reasonable to expect, they should attach me there, where they suppose their greatest strength lies: otherwise, though, they may seem to have the Advantage, by catching Shadows, if I am left unanswered in those two main Points, the Substance of their Cause is lost.

For, if it remain unproved, that the Pope

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had quiet possession here ; and the contrary proof continue unshaken, the Argument of Possession is on our side. A

I doubt not, but you will find, that the Pope had not possession here before ; that he took not possession by Austine the Monk ; and that he had no such possession here, afterwards, sufficient to create or evince a Title.

'Tis confessed, that Austine took his Arch-Bishoprick of Canterbury, as the Gift of Saint Gregory ; and having retailed many of the People to Christianity, both the Converts and the Converter, gave great Submission and respect to Saint Gregory, then Bishop of Rome ; and how far the People were bound to obey their Parent that had begotten them, or he, his Master, that sent him and gave him the Primacy, I need not dispute.

But these things to our purpose, are very certain. 1. That Conversion was anciently conceived to be the ground of their Obedience to Saint Gregory, which Plea is now deserted ; and that Saint Gregory himself abhorred the very Title of Universal Bishop, the only thing now insisted on. 2. 'Tis



## to the Reader

2. 'Tis also certain, that the Addition of Authority, which the King's Silence, Permission or Connivence gave to Austine, was more than Saint Gregory's Grant; and yet, that Connivence of the new Converted King, in the Circumstances of so great Obligation and Surprize, (who might not know, or consider, or be willing to exercise his Royal Power, then, in the Point) could never give away the Supremacy, inherent in his Crown, from his Successors for ever.

3. 'Tis likewise certain, that neither Saint Gregory's Grant, nor that King's Permission, did or could obtain Possession for the Pope, by Austine, as the Primate of Canterbury, over all the Brittain Churches and Bishops: which were then many, and had not the same Reason from their Conversion by him to own his Jurisdiction; but did stily reject all his Arguments and Pretences for it. King Ethelbert, the only Christian King at that time, in England, had not above the twentieth part of Brittain, within his Jurisdiction; how then can it be imagined,  
a that

## A Preface

*that all the King of England's Dominions, in England, and Wales, and Scotland, and Ireland, should be concluded within the Primacy of Canterbury, by Saint Augustine's possession of so small a part?*

4. 'Tis one thing to claim, another to possess. Saint Augustine's Commission was, to subject all Britain: to erect two Arch-Bishopricks, and twelve Bishopricks, under each of them; but what possession he got for his Master, appears in that, after the death of that Gregory and Austine, there were left, but one Arch-Bishop and two Bishops, of the Roman Communion, in all Britain.

5. Moreover, the Succeeding Arch-Bishops of Canterbury, soon after, discontinued that small possession of England which Augustine had gotten; acknowledging, they held of the Crown, and not of the Pope; resuming the Ancient Liberties of the English Church, which before had been, and ought always to be Independent on any other; and which of Right returned, upon the Return of their Christianity: and accordingly our Succeeding

## to the Reader.

ceeding Kings, with their Nobles, and Commons, and Clergy, upon all occasions, denied the Papal Jurisdiction here, as contrary to the King's Natural Supremacy, and the Customs, Liberties, and Laws of this Kingdom.

And, as Augustine could not give the Miter, so neither could King John give the Crown of England to the Bishop of Rome. For (as Math. Paris relates) Philip Augustus answered the Pope's Legate) no King, no Prince, can Alienate or give away his Kingdom, but by Consent of his Barons (who, we know, protested against King John's endeavour of that kind) bound by Knights Service to defend the said Kingdom; and in case the Pope shall stand for the contrary Error, his Holiness shall give to Kingdoms a most pernicious Example: so far is one unwarrantable act of a fearful Prince, under great Temptations, from laying a firm ground for the Pope's Prescription; and 'tis well known, that both the preceeding and succeeding Kings of England, defended the Rights of the Crown, and disturbed

a 2

## A Preface

*sturbed the Pope's possession, upon stronger grounds of Nature, Custom, and plain Statutes, and the very Constitution of the Kingdom; from time to time, in all the main Branches of Supremacy; as, I doubt not, but is made to appear by full and Authentick Testimony beyond dispute.*

2. *The other great Plea for the Pope's Authority in England, is that of Universal Pastorship: now, if this cannot be claimed by any Right, either Divine, Civil or Ecclesiastical; but the contrary be evident; and both, the Scriptures, Emperors, Fathers and Councils, did not only not grant, but deny and reject the Pope's Supremacy, as an Usurpation; What Reason hath this, or any other Church to give away their Liberty, upon bold and groundless Claims?*

*The pretence of Civil Right, by the Grant of Emperors, they are now ashamed of, for three Reasons; 'tis too scant, and too mean, and apparently groundless; and our discourse of the Councils, hath beaten out an unanswerable Argument against the claim by any other Right,*



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Right, whether Ecclesiastical or Divine : for all the General Councils are found ; first, not to make any such Grant to the Pope, whereby the Claim, by Ecclesiastical Right, is to be maintained : but, secondly, they are all found, making strict provisions against his pretended Authority ; whereby, they, and the Catholick Church in them, deny his Divine Right.

'Tis plainly acknowledged by Stapleton himself, that, before the Council of Constance, non divino sed humano Jure, & positivis Ecclesiæ Decretis, primatum Rom. Pont. niti senserunt, speaking of the Fathers ; that is, the Fathers before that Council, thought the Primacy of the Pope, was not of Divine Right ; and that it stood only upon the Positive Decrees of the Church : and yet he further confesseth in the same place, that the Power of the Pope now contended for (nullo sane decreto publico definita est) is not defined by any Publick Decree, tacito tamen Doctorum Consensu.

Now what can remain, but, that which we find him immediately driven to, viz. to reject



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*the pretence of humane Right by Positive Decrees of the Church; and to adhere only (as he himself affirmeth, they generally now do) to the Divine Right: Nunc (inquit) autem nemini amplius Catholoco dubium est, prorsus Divino Jure, & quidem illustribus Evangelii Testimoniis hunc Primatum niti.*

*Thus, how have they intangled themselves! if they pretend a humane Right, be acknowledgeth, they cannot find it, where it ought to be found, in the Publick Decrees of the Church: if a Divine Right, he confesseth, the Fathers denied it, before the Council of Constance; and he knows, that Council condemn'd it.*

*Stapleton at length affirms, that, now no Catholick doubts, but the Pope's Primacy is of Divine Right; whence the heart of the Roman Cause is stabb'd, by these clear and sharp Conclusions.*

1. Concl. *That, all Catholicks of the present Roman Church, do, now hold, a New Article, touching the Pope's Primacy, not known to the Fathers before the Council of*  
Con-

## to the Reader.

Constance, An. 1415. and condemned by that Council, as an Error.

2. Concl. That, therein, the Faith of the present Roman Church, stands counter to the Faith, Decrees, and Practices of all the first General Councils; consisting of Fathers that flourished therein, long before the Council of Constance, i. e. in their own sence, the Ancient Catholick Church.

You will find that the Evidence hereof ariseth, not only from the Words of Stapleton, but from the Decrees of all the first eight General Councils, every one of them, one way or other, expressly declaiming that Supremacy, which the Pope and his present Church would arrogate; and in those Councils, all the Fathers, and the Catholick Church are confessedly concluded; and consequently, Antiquity, Infallibility, and Tradition, are not to be found at Rome.

The Sum is, the Church of England, that holds the true, Ancient, Catholick Faith; and the four first General Councils: and hath the Evidence of four more in the Point; can-

## A Preface to the Reader.

not be blamed, for rejecting, or not readmit-  
ting, a Novel and groundless Usurpation;  
contrary to them all; and contrary also, to the  
Profession of the present Roman Church;  
that pretends to believe, that the Faith of the  
eight first general Councils, is the Catho-  
lick Faith.

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# Imprimatur,

GUIL. JANE R. P. D. HEN. E-  
pisc. LOND. à Sacris  
Jan. 24. 1678. Domest.

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**A N**



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<p><b>A</b> <i>Serious Alarm to</i>  <i>all sorts of En-</i>  <i>glishmen, against Po-</i>  <i>pery; from Sense and</i>  <i>Conscience; their Oaths</i></p>	<p><i>and their Interests.</i>  <p style="text-align: right;">p.281</p> <i>The Oath of Allegiance</i>  <i>and Supremacy.</i> p.289</p>
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### ERRATA.

**P**age 6. line 7. for *and the*, read *and though*, p.136. l.13. add, *'tis ob-*  
*served that*, p.137. l.23. blot out *and the abundant*, p.138. l.5. add  
*of*, before *the grievances*, p.147. l.17. before the word *evacuate*, add  
*not*, p.164. l.24. for *is*, r. *are*, p.175. l.10. for *his messenger*, r. *the Popes*  
*messenger*, p.177. after *Sentence*, add *with the Fathers*, *was ever taken*,  
p.205. l.22. after the word *Faith*, add *of the Church*, p.213. l.31. for  
*they* r. *these Canons*, p.227. l.34. for *Kingdoms*, r. *the Kingdom*, p.235.  
l.1. for *are*, r. *are not*.

### The Printer to the Reader.

**T**He absence of the Author, and his inconvenient di-  
stance from *London*, hath occasioned some lesser es-  
capes in the Impression of this Book. The Printer thinks  
it the best instance of pardon, if his Escapes be not laid  
upon the Author, and he hopes they are no greater than  
an ordinary understanding may amend, and a little cha-  
rity may forgive.

THE

THE  
INTRODUCTION.

*The Design. The Controversie Contracted into one Point, viz. SCHISM.*

THE Church of *England* hath been long possess'd, both of her self and the true Religion; and counts it no necessary part of that Religion to molest or *censure* any other Church; Yet she cannot be quiet, but is still vext and clamour'd with unwearied outcries of *Heresie* and *Schism* from the Church of *Rome*, provoking her *defence*.

The *Ball* hath been tossed as well by cunning as learned Hands, ever since the *Reformation*; and 'tis complain'd, that by weak and *impertinent* Allegations, tedious *Altercations*, unnecessary *Excursions*, and much *Sophistry*, needlessly *lengthening* and *obscuring* the controversy, it is in danger to be lost.

After so great and so long exercises of the best Champions on *both sides*, 'tis not to be expected, that any great *Advance* should be made on either: Yet how desirable is it, that

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at

## The Introduction.

at length the true difference were clearly *stated*, and the *Arguments* stripped of their said *Cumbers*, and presented to us in their proper *Evidence*, and the controverſie ſo reduced, that the World might perceive where we are: and doubtful inquirers after Truth and the ſafeſt Religion, might ſatisfie their *Conſciences* and fix their *Practice*.

This is in ſome meaſure the *Ambition* of the preſent *Essay*: In order to it, we have obſerved that the *Shop* out of which all the *Arms*, both *Offenſive* and *Deſenſive*, on both ſides are fetched, is *Schiſm*; and the whole Controverſie is truly *contracted* into that *one Point*; which will appear, by two things.

1. By the *State* of the allowed Nature of *Schiſm*.

2. By the *Application* of it ſo explain'd.

## CHAP. I

# The Definition of SCHISM.

## SECT. I

### Of the Act of Schism.

**T**Hat we may lie open to their full Charge, we lay the Notion in as great a Latitude, as, I think, our *Adversaries* themselves would have it.

*Schism* is a voluntary division of a *Christian Church*, in its *external Communion*, without sufficient cause:

1. 'Tis a Division, *ἰνόςωδαί*, Divisions or Rents among you: This division of the Church is made either in the Church or from it; in it, as it is a particular Church, which the *Apostle* blames in the Church of *Corinth*, c. 11. Though they came together, and did not separate from the external Communion, but divided in it and about it.

Act,  
Division  
in the  
Church  
particular.

2. Division is made also in the Church as *Catholick* or Universal; and some charge the Church or Court of *Rome* (as we shall observe hereafter) herewith, as the cause of many deplorable Rents and Convulsions in the bowels of it, and indeed in a true sence, all that are guilty of dividing either in, or from a particular

Catholick.

Church (without just cause) are guilty of *Schism* in the *Catholic*, as the *Aggregatum* of all particular Churches.

There is division as well *from*, as *in* the Church, and this is either such as is *improperly* called *Separation*, or *properly*, or more perfectly so.

1. Separation *improperly* so called, we may term, *Negative*; which is rather a *recusancy* or a denial of *Communion*, where it is either *due* or only *claimed* and not *due*, but was never *actually* given.

2. 'Tis *properly* so, where an *actual* separation is made; and *Communion* broken or denied, where it has *wont* to be paid.

3. Or yet more *perfectly*, when those that thus separate and withdraw their *Communion* from a Church; joyn themselves in an opposite body, and erect *Altar* against *Altar*.

## SECT. II.

### *Subject of Schism.*

Subject.

**T**HUS of the *Act* of Schism, *Division*: Let us briefly consider the *Subject* of this division; which is not a *civil* or an *Infidel* Society, but a *Christian* Church. I do not express it a *true* Church; for that is *supposed*: For if it be a *Christian* Church it must be *true*, otherwise it is *not* at all.

Some learned of our *own* side, distinguish here of the *truth* of the Church *Physically* or *meta-*



## Chap. i. Definition.

metaphysically considered; or *morally*: and acknowledge the *Roman Church* to be a true Church, or *truly* a Church, as some would rather have it, but deny it to be such *morally*: and plead for separation from it only in a *moral* sence, or as it is not a *true Church*, i. e. as it is a *false* and corrupt Church, not as it is a Church.

But finding this distinction to give offence, and perhaps some advantage to our Adversaries, at least for the amusing and disturbing the method of disputation, and being willing to *reduce* the difference as much as I am able, I shall not insist upon these distinctions.

I confess (*pace tantorum*) I see no danger in, but rather a *necessity* of granting the Church of *Rome* to be a true Church even in a *moral* sence, largely speaking; as *moral* is distinguished from *Physical* or metaphysical: and the necessity of this concession ariseth from the granting or allowing her to be a *true Church* in any sence, or, a Church of *Christ*.

For to say, that a Christian Church is not a true Church *morally*, yet is so *really*, i. e. Physically or Metaphysically, seems to imply that it is a Christian Church, and it is not a Christian Church; seeing all the *being* of a *Christian Church* depends upon its *truth* in a *moral* sence, as I conceive is not questioned by either side.

And when we grant that the Church of *Rome*, or any other is a true Christian Church in any sence, we do mean that she retains so much of *Christian truth* in a moral sence, as is *requisite* to the truth and being of a Christian Church.

Indeed the very *Essence* of a Christian Church

seems to be of a *Moral* nature, as is evident in all its causes; its *Efficient*, The preaching of the Gospel under divine Influence is a *Moral* cause; the *form*, living in *true faith*, and Religion, is *moral*; its *End* and all its *formal* Actions, in Profession and Communion, are of a *Moral* nature, and the Christians as they are *Men*, are indeed *natural* Beings, yet as they are *Christians* and the *matter* of the Christian Church, and more, as they are in a *Society*, they fall properly under a *Moral* Consideration.

But how can a Church be *true* and *not true*, and both in a *Moral* sence? How can we own the Church of *Rome* as a *true* Church, and yet leave her as a *false* Church, and *true* and *false* be both taken *Morally*? Very well: And our Learned Men intend no other, though they speak it not in these terms.

For to be *true* and *false* in the same (*Moral*) Sence; doth not imply the being so, in the same respects: Thus the Church of *Rome* may be granted to be a *true* Christian Church, with respect to those *Fundamentals* retained in her Faith and Profession, wherein the being and truth of such a Church consisteth; and yet be, very *false*, and justly to be *deserted*, for her gross Errors, in many other points, believed also and professed by her: as a *Bill* in *Chancery*, may be a *true* Bill for the substance of it and so admitted; and yet in many things falsely suggested, it may be very *false*, and as to them, be *rejected*.

Y. Catho-  
lick.

2. The Church as the Subject of Schism may be further considered as *Catholick*, i. e. Absolute, Formal, Essential, and as it lies spread over all the

the world, but *united* in one common Faith: From this Church the *Donatists* and other ancient Hereticks, are said to have separated.

2. As *Particular*, in a greater or lesser number or part of the *Catholick*: Thus the modern *Separatists* forsaking the Church of *England* are said to be *Schismatics*. 2. Particular.

3. In a *Complex* and mixt Sence, as the *particular Roman Church* pretending also to be the *Catholick Church*, calls her self *Roman Catholick*, and her *Particular Bishop* the *universal Pastor*, In which sence, the Church of *England* is charged with separation from the *Catholick Church*, for denying Communion with the *particular Church of Rome*. 3. Mix'd.

## S E C T. III.

*Object of Schism. I. Faith.*

THE third Point is the *Object*, about, and in which, *Separation* is made: Namely, *External Communion*; in those three great Means or Bonds of it; *Faith, Worship* and *Government*: under that Notion, as they are bonds of *Communion*. External Communion.

The first is *Faith* or *Doctrine*: and it must be acknowledged, that to renounce the Churches *Faith*, is a very great *Schism*: yet, here, we must admit two exceptions; it must be the Churches *Faith*: that is, such *Doctrine*, as the Church hath defined as necessary to be believed; if we speak of a *particular Church*: for Faith.

in other Points, both Authorities allow Liberty. Again, though the Faith be broken, there is not Schism presently or necessarily, except the external Communion be also, or thereby disturbed. Heretical Principles not declared, are Schism in Principle, but not in Act: *Hast thou Faith, have it to thy Self.* 'Tis farther agreed, that we may and some times must differ with a particular Church in Doctrine; wherein She departs from the Catholick Faith: but here we must take care, not only of Schism, but Damnation it self, as *Athanasius* warns us.

Every one should therefore endeavour to satisfie himself in this great Question; *What is Truth?* or the true Catholick Faith? To say presently, that it is the Doctrine of the Roman Church, is to beg a very great Question, that cannot easily be given. I should think *Athanasius* is more in the right; when he saith, *this is the Catholick Faith, &c.* in my opinion, they must stretch mightily that can believe, that, the Catholick Faith, without which *no man can be saved*; and therefore, which every man ought to understand, takes in all the Doctrines of the *Conncil of Trent*.

Till the contrary be made evident; I shall affirm after many great and learned men, that he that believes the Scriptures in general, and as they are interpreted by the *Fathers* of the Primitive Church; the three known *Creeds*; and the four first general *Councils*; and knows and declares himself prepared to receive any further Truth that he yet knows not, when made appear to be so, from Reason, Scripture, or Just Tradition, cannot justly be charged with Schism



*Schism* from the *Catholick Faith*.

Merhinks, those that glory in the *Old Religion*, should be of this mind; and indeed, in all reason, they ought to be so; unless they can shew an *Older* and better means of knowing the *Catholick Faith*, than this: what is controverted about it, we shall find *hereafter* in its due place.

In the mean time, give me leave to Note, that our *more Learned* and *Moderate Adversaries*, do acquit such a man or Church, both from *Heresie* and *Schism*; and indeed come a great deal nearer to us, in putting the issue of the Controversie very fairly upon this unquestionable Point. *They who first Separated themselves from the Primitive pure Church, and brought in Corruptions, in Faith, Practise, Lyturgy, and use of Sacraments, may truly be said to have been Hereticks, by departing from the pure Faith; and Schismaticks, by dividing themselves from the external Communion of the true uncorrupted Church.* Mr. Rust in  
fid. ann. c. 7:  
s. 112. p.  
534

## 2. Object. Worship.

A second band of external Communion is *Publick Worship*; in which, Separation from the *Worship, Church, is notorious.* 2:

But here (*Publick Worship*) must be understood, only so far, as it is a bond of Communion, and no farther; otherwise, there is no breach of Communion, though there be difference in Worship, and consequently no *Schism*.

This will appear more plainly, if we distinguish of *Worship* in its *Essentials* or *Substantials*, and its *Modes*, *Circumstances*, *Rites* and *Ceremonies*. Tis



'Tis well argued by the Bishop of *Calcedon*, that none may Separate from the *Catholick Church*, (or indeed from any *particular*) in the *Essentials* or *Substantial Parts* of *Worship*: for these are God's *ordinary* means of conveying his *Grace* for our *Salvation*; and by these, the whole Church is knit together, as *Christ's* visible body for *Divine Worship*.

But, what are these *Essentials* of *Worship*? Surely nothing else but the *Divine Ordinances*, whether moral or positive, as abstracted from all *particular Modes*, not determined in the Word of God. Such as *Prayer*, the reading the *Holy Canon*, interpreting the same, and the *Sacraments*: therefore, that Church that worships God in these *Essentials* of *Worship*, cannot be charged, in this particular, with *Schism*, or dividing from the *Catholick Church*.

And, as for the *Modes* and particular *Rites* of *Worship*, until one *Publick Liturgy* and *Rubrick* be produced, and proved to be the Rule of the *Catholick Church*, if not imposed by it, there is no such bond of Union in the *Circumstantial Worship* in the *Catholick Church*; and consequently, no *Schism* in this respect.

Much less, may one *particular Church*, claim from another (*par in parem non habet imperium*) exact *Communion* in all *Rites* and *Ceremonies*, or for want thereof, to cry out presently, *Schism, Schism!*

Indeed, our *Roman Adversaries* do directly and plainly assert; that about *Rites* and *Ceremonies*, the guilt of *Schism* is not concerned; and that *particular Churches* may differ from one another therein, without breach of *Communion*.

Though,

Though, for a *Member* of a particular Church to forsake the Communion of *his own* Church, in the *Essentials* of Worship, merely out of *dislike* of some particular innocent Rites, seems to deserve a greater Censure.

But the *Roman* Recusants in *England*, have a greater difficulty upon them, to excuse their total Separation from us, in the *Substantials* of our Worship (at which they can pretend to take no offence; and wherein they held actual Communion with us many years together, at the beginning of *Queen Eliz. Reign*) against the Law of *Cohabitation*, observed in the *Scripture*, where a *City* and a *Church* were commensurate, contrary to the *Order* (as one well observes) which the *Ancient* Church took for preserving *Unity*, and excluding *Schism*: by no means suffering such disobedience or *division* of the Members of any *National* Church, where that Church did not divide it self from the *Catholic*. And lastly, contrary to the *Common* right of Government; both of our *Civil* and *Ecclesiastical* Rulers, and the Conscience of Laws, both of *Church* and *State*.

But their pretence is, *Obedience* to the *Pope*; which leads us to consider the *third* great bond of Communion, *Government*.

### 3. Object. Government.

Thirdly, The last bond of Ecclesiastical external Communion, is that of *Government*; that is, so far as it is lawful in it self, and exerted in its *Publick* Laws. Government.

This *Government* can have no influence from

one

one *National Church* to another, as *such*; because, so far they are *equal* (*par in parem*) but must be yielded by all Members of *particular Churches*, whether *National*, *Provincial*, or truly *Patriarchal*, to their proper Governours in all *lawful things*, *juridically* required; otherwise, the guilt of *Schism* is contracted.

But for the *Government* of the *Catholick*, we cannot find it, wholly in any one *particular Church*, without gross *Usurpation*; as is the plain sence of the *Ancient Church*: indeed it is partly found in every Church: it was at first diffused by our *Universal Pastor* and Common Lord, into the hands of all the *Apostles*; and, for ought hath yet appeared, still lies abroad among all the *Pastors* and *Bishops* of *particular Churches*, under the power, protection and assistance of *Civil Authority*. Except, when they are collected by just power and legal Rules, into *Synods* or *Councils*; whether *Provincial*, *National* or *General*: here, indeed, rests the weight of the Controversie, but, I doubt not, it will at last be found to make its way, against all contradiction from our *Adversaries*.

In the mean time, we do conclude, while we profess and yield all *due obedience* to our proper *Pastors*, *Bishops* and *Governours*, when there are no *Councils* sitting; and to all *free Councils*, wherein we are concerned, *lawfully* convened; we cannot be justly charged with *Schism* from the *Government* of the *Catholick Church*: though, we stiffly deny obedience to a *Foreign Jurisdiction*, and will not rebel against the *Government*, that God hath placed immediately over us.

This

This fair respect, the Church of *England* holds to the *Communion* both of the *Catholick* and all *particular* Churches; both in *Doctrine*, *Worship* and *Government*: and the main exception against her is, that she denies obedience to a pretended *Power* in the See of *Rome*; a *Power*, not known, as now claimed, to the *Ancient* Church; a *Power*, when once foreseen, warned against, as *Antichristian*, by a *Pope* himself; and when usurped, condemned by a *General* Council: And lastly, such a *Power*, as those that claim it, are not agreed about, among themselves.

But the charge of Schism falls after another sort, upon our *Roman* Adversaries; who have disturbed the *Universal*, and all *particular* Churches by manifest violation of all the three bonds of external Communion.

The *Doctrine* and *Faith*, by adding to the *Canon* of the *Scripture*, *Apocriphal* Books; by adding to the revealed will of God, groundless *Traditions*: by making new *Creeds* without the Consent of the present, and against the *Doctrine* and *practice* of the *Ancient* Churches: and as for *Worship*, how have they not corrupted it? by *Substraction*, taking away one essential part of a Divine Ordinance, the *Cup* from the *Laity*, &c. by *additions* infinite, to the *Material* and *Ceremonial* Parts of *Worship*; and by horrid *Alterations* of the pure and *Primitive* *Worship*, to childish *Superstitions*, and some say, dangerous *Idolatry*.

Lastly, As to *Government*: they have plainly separated themselves, both from the *Ancient* and present *Catholick* Church, and all other particular

particular Churches; by usurping a *Dominion*; condemned by the *Ancient*, and that cannot be owned, without betraying the *Liberty* of the present Church. By exerting this Usurpation in unlawful and unreasonable *Conditions* of Communion; and as it is said, by *Excommunicating* for *Non-obedience* to these Impositions, not only the Church of *England*, but three Parts of the *Christian World*: The *proof*, on both sides, we are to expect in due place.

## S E C T. IV.

The Conditions of Schism: Causeless.  
Voluntary.

Condition: **T**HE fourth and last thing considerable in the *Definition*, is the *Condition*; which adds the guilt and formality of Schism to *Separation*: which is twofold, it must be *Causeless* and *Voluntary*.

Voluntary. 1. It must be *voluntary* Separation, or *denial* of *Communion*: but of this, I shall say nothing; a greater man received a check from his *Romish* Adversaries for the proof of it; saying, *who knows not that every sin is voluntary?*

S. 17,  
Causeless.

2. It must be *causeless*; or as it is usually expressed, without *sufficient* cause: 'tis a Rule generally allowed, that the *Cause* makes the *Schism*; i. e. if the *Church* give cause of *Separation*, there is the *Schism*; if not, the cause of *Schism* is in the *Separatist*; and consequently, where the *cause* is found, there the *charge* of *Schism* resteth.



I know, 'tis said, that there cannot be *sufficient* cause of Separation from the *true Church*; and; therefore, this Condition is *needless*: but, they ever mean (by the *true Church*) the *Catholick Church*.

'Tis granted, the *Catholick Church* cannot be supposed, to give *such* cause; she being the ordinary *Pillar of Truth*, wherein the means of *Salvation* can be only found; therefore, we rarely meet with any *such* condition, in the Definitions of Schism, given by the *Fathers* of the *Ancient Church*; because they had to deal with Schisms of that kind, that separated from the *whole Church*.

But hence to infer, that we cannot have just cause to separate from the *Church of Rome*, will be found bad *Logick*.

However, if we could grant *this* Condition to be *needless*, it cannot be denied to be *true*. and the *lawfulness* of Separation for *just* cause, is an *eternal* verity; and if the cause be supposed *just*, cannot be said to be *unjust*; seeing there cannot be supposed a sufficient cause of *Sin*; the *Act* is *justified* while it is *condemned*.

Besides it is not questioned by our *Adversaries*, but there may be sufficient cause of separation from a *particular Church*; then if at last we find, that the *Church of Rome* is *no more*, there is more than reason to admit *this Condition* in the *present Controversie*.

But the *Cause* must not be pretended to *effect*, beyond its influence or *Sufficiency*: Therefore none may be allowed to deny Communion with a *Church*, farther than he hath *cause*; for beyond its *Activity*, that which is said to be a *cause*, is *no cause*.

Hence

Hence we admit the distinction of *partial* and *total* separation; and that known Rule, that we may not *totally* separate from a *true* Church; and only *so far*, as we cannot communicate *without* sin.

The Reason is evident, because the *truth* and very being of a Christian Church, implieth something wherein every *Christian* Church in the very *Foundation* and being of it, hath an agreement both of *Union* and *Communion*.

Far be it from us therefore, to deny all kind of Communion with any *Christian* Church, yea we frankly and openly declare, that we still retain Communion, out of *fraternal* charity, with the Church of *Rome*, so far as she is a *true* Church: Only protesting against her *Usurpations*, and reforming our selves from those *corruptions* of *Faith* and *Worship*, of which *Rome* is too fond and consequently the more guilty.

## S E C T. V.

The Application of Schism. Not to our Church:

**I**F this definition of Schism be not applicable to the Church of *England*, she is unjustly charged with the guilt of Schism. If the Church of *England* doth not voluntarily divide in or from the *Catholick* Church, or any particular Church, either by separation from, or denying Communion with it, much less by setting another Altar against it without sufficient cause, then the definition of Schism is not applicable to the Church of *England*.

But

But she hath not thus divided, whether we respect the *Act* or the *Cause*.

With respect to the *Act*, viz. *Division*: We argue, if the Church of *England* be the same for *Substance* since the *Reformation*, that it was before; then by the *Reformation* we have made no such *Division*: for we have divided from no other Church further than we have from our own, as it was before the *Reformation*, as our *Adversaries* grant: And therefore if we are now the same Church as to *Substance* that we were before, we hold the same *Communion* for substance, or essentials with every other Church now, that we did before.

1. In the  
Act.

But, for *Substance*, we have the same *Faith*, the same *Worship*, the same *Government* now, that we had before the *Reformation*, and indeed from our first *Conversion* to Christianity.

Indeed, the *Modern Romanists* have made new Essentials in the *Christian Religion*, and determine their *Additions* to be such: But so *Weeds* are of the essence of a *Garden*, and *Botches* of the essence of a *Man*.

We have the same *Creed* to a word, and in the same *sente*, by which all the *Primitive Fathers* were saved; which they held to be so sufficient, that in a general Council, they did forbid all persons (under pain of deposition to *Bishops* and Clerks, and *Anathematization* to *Lay-men*) to compose or obtrude upon any persons converted from *Paganism* or *Judaism*.

Cor. Ept. p.  
2. Act. 6.  
c. 7.

We retain the same *Sacraments* and *Discipline*; we derive our *holy Orders* by lineal succession from them. It is not we who have forsaken the essence of the *Modern Church* by *subtraction*;

or rather *Reformation*, but they of the Church of *Rome*, who have forsaken the essence of the *ancient Roman Church*, by their corrupt *Additions*, as a learned Man observes.

The *plain truth* is this, the Church of *Rome* hath had long and much Reverence in the Church of *England*; and thereby we were by little and little drawn along with her into many gross *errors* and superstitions both in *Faith* and *Worship*; and at last had almost lost our *liberty*, in point of *Government*. But that Church *refusing to reform*, and proceeding still further to *usurp* upon us, we threw off the *Usurpation* first, and afterwards very deliberately *Reform'd* our selves from all the corruptions that had been growing upon us, and had almost overgrown both our *Faith* and *Worship*: If this be to divide the Church, we are, indeed, guilty, not else.

But we had *no power* to reform our selves: Here indeed is the main *hinge* of the Controversie; but we have some concessions from our worst and fiercest *Adversaries*, that a *National Church* hath power of *her self*, to reform abuses in lesser matters, provided she alter nothing in the *Faith* and *Sacraments* without the *Pope*: And we have declared before, that we have made no alteration in the *essentials* of Religion.

But we brake our selves off from the *Papal Authority*, and divided our selves from our *lawful Governors*: 'Tis confest the *Papal Authority* we do renounce; but not as a *lawful Power*, but a *Tyrannical Usurpation*; and if that be proved, where is our *Schism*.

But this reminds us of the *second thing* in the  
De-

Definition of Schism, the Cause : For, what <sup>2. The</sup> interpretation soever be put upon the *Action*, Cause.  
 whether *Reformation* or Division and Separation, 'tis not *material*, if it be found we had *sufficient Cause*, and no doubt we had, If we had *reason* from the lapsed state and nature of our Corruptions, to Reform; and if we had sufficient *Authority* without the *Pope*, to reform *ourselves* : But we had *both*, as will be evident at last.

Both these we undertake for satisfaction to the Catholick Church; but in defence of our own Church against the charge of *Schism* by and from the Church of *Rome*, one of them, yea either of them, is *sufficient*.

For if the pretended *Authority* of the Church of *Rome* over the Church of *England* be ill grounded, how can our *Actions* fall under their *censure*? Especially seeing the great and almost only matter of their *censure*, is plainly our *disobedience* to that ill grounded *Authority*.

Again, however their *Claim* and *Title* stand or fall, if we have or had *cause* to deny that Communion which the Church of *Rome* requires, though they have power to accuse us, our *Cause* being *good* will acquit us from the *guilt*, and consequently the *charge* of *Schism*.

Here then we must joyn *Issue*, we deny the pretended *Power* of the Church of *Rome* in *England*, and plead the *justness* of our own *Reformation*, in all the particulars of it.



## SECT. VI.

*The Charge, as laid by the Romanists.*

**T**HIS will the better appear by the indictment of Schism drawn up against us, by our Adversaries; I shall receive it as it is expressed by one of the sharpest Pens, and in the fullest and closest manner I have met with; viz. Card. Perron against Arch-Bishop Laud, thus.

*Protestants have made this Rent or Schism by their obstinate and pertinacious maintaining erroneous Doctrines, contrary to the faith of Roman or Catholick Church; by their rejecting the authority of their lawful Ecclesiastical Superiors, both immediate and mediate: By aggregating themselves into a separate Body or company of pretended Christians, independent of any Pastors at all that were in lawful and quiet possession of Jurisdiction over them; by making themselves Pastors and Teachers of others, and administering Sacraments without Authority given them by any that were lawfully empowered to give it; by instituting new Rites and Ceremonies of their own in matters of Religion, contrary to those anciently received throughout all Christendom; by violently excluding and dispossessing other Prelates of and from their respective Sees, Cures, and Benefices; and intruding themselves into their places, in every Nation where they could get footing. A foul Charge indeed, and the fouler because in many things false. However, at present we have reason only to observe the foundation of all lies*

lies, in our *disobedience* and denying Communion with the Church of *Rome*; all the rest either concerns the grounds, or manner, or consequences of that.

Therefore if it appear at last, that the Church of *England* is independant on the Church of *Rome*, and oweth her no such *obedience* as she requires; the Charge of Schism removes from us and recoyls upon the Church or Court of *Rome*, from her unjust *Usurpations* and *Impositions*; and that with the aggravation of *Sedition* too in all such whether *Prelates* or *Priests*, as then refused to acknowledge and obey the just *Power* and *Laws* of this Land, or that continue in the same disobedience at this day.

S E C T. VII.

The Charge of Schism retorted upon the Romanists. The Controversie to two Points.

IT is well noted by a learned Man, that while the *Papal Authority* is under Contest, the question is not barely this, whether the Church of *England* be schismatical or no? (For a *Romanist* may cheaply debate that and keep himself safe, whatsoever becomes of the *Umpirage*) but indifferently and equally, whether we, or the *Romanist* be thus guilty, or which is the *Schismatic* that lies under all those severe *Censures* of the *Scriptures* and *Fathers*, the Church of *England* or her *Revolters*, and the Court of *Rome*.

Dr. Hammond.

Till they have better answered to the *Indictment* than yet they have done; we do and shall lay the most horrid Schism at the door of the Church or Court of Rome: For that they have voluntarily divided the *Catholic Church*, both in *Faith, Worship, and Government*, by their innovations; and *excommunicated* and damned, not only the Church of *England*, but as some account, *three parts* of the *Christian Church*, most uncharitably and without all *Authority* or just cause, to the scandal of the whole world.

But we shall lay the charge more particularly, as it is drawn up by *Arch-Bishop Bramhal*. The Church, saith he, or rather the Court of Rome, are causally guilty, both of this Schism, and almost all other Schisms in the Church. 1. By usurping an *higher place and power* in the Body Ecclesiastical, than of right is due unto them. 2. By separating, both by their *Doctrines and Censures*, three parts of the *Christian World* from their Communion, and as much as in them lies, from the *Communion of Christ*. 3. By rebelling against *general Councils*. Lastly, by breaking or taking away all the lines of *Apostolical Succession* except their own; and appropriating all *Original Jurisdiction* to themselves: And that which draws *Sedition and Rebellion*, as the great aggravation of their Schism, they Challenge a *temporal Power* over *Princes*, either directly or indirectly.

Thus their Charge against us, is *Disobedience*; Our Charge against them is *Usurpation* and abuse of Power: If we owe no such *Obedience*, or if we have cause not to obey; we are acquitted: If the *Pope* have both *power and reason* of his side;

side; we are *guilty*: If he fail in *either*; the whole *weight* of *Schism*, with all its dreadful *Consequences*, remains upon *him* or the *Court* of *Rome*.

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## *The Conclusion.*

**T**hus, we see, the Controversie is *broken* into *two* great *points*:

1. Touching the *Papal Authority* in *England*.
2. Touching the *Cause* of our denying *Com-  
munion* in *some* things, with the *Church* of *Rome*,  
required by that *Authority*.

*Each* of these, I design to be the matter of a *distinct* Treatise.

This *first Book*, therefore, is to try the *Title* betwixt the *Pope* and the *Church* of *England*: Wherein we shall endeavour impartially to examine all the *Pleas* and *Evidences*, produced and urged by *Romanists* on their *Masters* behalf; and shew how they are *answered*: and where there appears greatest *weight* and stress of *Argument*, we shall be sure to give the greatest *diligence*: Omitting nothing but *vnconcluding impertinencies*, and handling nothing *lightly* but *colours* and *shadows* that will *bear* no other.

The Sum  
of this first  
Treatise.

*Now to our Work.*

## C H A P. II.

*An Examination of the Papal Authority in England. Five Arguments Proposed, and briefly reflected on.*

**T**His is their *Goliath*; and indeed their whole *Army*: if we rout them here, the day is our own: and we shall find nothing more to oppose us, but Skirmishes of *Wit*, or (when they are at their *Wits end*) *fraud and force*; as I am troubled to observe, their *Use* hath been.

For if the See of *Rome* hath no just *claim* or *Title* to govern us, we cannot be obliged to obey it: and consequently these *two* things stand *evident* in the light of the whole world. We are no *Schismatics*, though we deny obedience to the See of *Rome*, seeing it cannot justly challenge it. *2dly*, Though we were so, yet the See of *Rome* hath no power to *censure* us, that hath no power to *govern* us. And *hereafter* we shall have occasion further to conclude, that the *Papal Authority*, that hath nothing to do with the English Church, and yet rigorously exacts our obedience, and *censures* us for our disobedience; is highly guilty, both of *Ambition* in its unjust claim, and of *Tyranny* in unjust execution of an usurped power, as well in her *Commands* as *Censures*, which is certainly *Schism*, and *aliquid amplius*.

They



They of the Church of *Rome*, do therefore, mightily bestir themselves to make good their *claim*; without which they know, they can never hope either to gain us, or secure themselves.

I find five several *Titles* pretended, though methinks the power of *that* Church should be built but upon *one Rock*.

1. The Pope being the means of our first *Conversion*, as they say, did thereby acquire a *Right* 1. *Conversion* for himself and successors, to govern this Church. *fi*on.

2. *England* belongs to the Western *Patriarch* 2. *Patriarchate*; and the Pope is the *Patriarch* of the West, *arch*. as they would have it.

3. Others found his *Right* in *Prescription*, and 3. *Prescription*. long continued possession before the *Reformation*.

4. Others see much higher; and derive this power of Government from the *Infallibility* of 4. *Infallibility*. the Governor; and indeed who would not be led by an *unerring Guide*?

5. But their *strong hold*, to which at last re- 5. *Succession*. sort is still made; is the Popes *Universal Pastors* on, *ship*, as *Successor* to *St. Peter*, and supreme Governor not of *Rome* and *England* only, but of the *whole Christian World*.

Before we enter upon trial of these severally, we shall briefly note, that where there are many *Titles* pretended, *Right* is justly suspected, especially if the *Pretences* be *inconsistent*.

1. Now, how can the *Pope*, as the *Western Patriarch*, or as our first *Converter*, pretend to be our Governor; and yet at the same time pretend himself to be *universal Bishop*: These some of our subtlest *Adversaries* know, to imply a  
Cou-

*contradiction*, and to destroy one another.

2. At first sight therefore, there is a necessity on those that assert the *universal Pastorship*, to wave the Arguments, either from the Right of *Conversion*, or the Western *Patriarchate*: or if any of them will be so bold as to insist on these, he may not think the Chair of St. Peter shall be his *Sanctuary* at a dead lift.

3. Also for *Possession*; what need that be pleaded, if the *Right* be evident; Possession of a part if the *Right* be *universal*; unless by England, the Pope took *livery* and *Seisen* for the whole world. Besides, if this be a good plea, it is as good for us, we have it and have had it time out of mind; if *ours* have not been quiet, so neither was *theirs* before the *Reformation*.

4. For *Infallibility*, that's but a *Qualification*, no *Commission*: *Fitness* sure gives no *Authority*; nor desert, a *Title*, and that by their own *Law*: otherwise they must acknowledge the Bishops of our Church, that are known to be as learned and holy as theirs, are as good and lawful Bishops, as any the Church of Rome hath.

Thus we see where the Burthen will rest at last; and that the *Romanists* are forced into one only hold: One great thing concerns them to make sure, or all is lost; the whole Controversie is tied to St. Peters Chair, the *Supremacy* of the Pope must be maintained, or the *Roman* and *Catholick* are severed, as much as the Church of England and the Church of Rome; and a great breach is made indeed, but we are not found the *Schismatics*.

But this is beside my task: Left we should seem to endeavour an *escape* at any breach, all the

the said *five Pleas* of the *Romanists*, shall be particularly examined, and the main *Arguments* and *Answers* on both sides faithfully and exactly as I can, produced: And where the *Controuersie* sticks, and how it stands at this day, noted, as before we promised.

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CHAP.

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## C H A P. III.

*Of the Popes Claim to England from our Conversion, by Eleutherius, Gregory.*

**T**His Argument is not pressed with much confidence in *Print*, though with very much in *Discourse*, to my own knowledge: Perhaps 'tis rather popular and plausible than *invincible*.

Besides, it stands in barr against the *Right* of *St. Peter*, which they say was good, near *six hundred* years before; and extends to very many Churches, that received grace neither by the means of *St. Peter* or his pretender *Successor*, except they plead a right to the *whole* Church first, and to a *part* afterwards; or one kind of right to the *whole*, and another to a *part*.

The truth is, if any learned *Romanist* shall *insist* on this Argument in earnest, he is strongly suspected, either to deny or question the Right of *St. Peter's Successor*, as *universal Pastor*.

But we leave these advantages to give the argument its full liberty; and we shall soon see, either its *Arms* or its *Heels*.

The Argument must run thus: If the Bishop of *Rome* was the means of the *English Churches Conversion*, then the *English Church* oweth *obedience* to him and his *Successors*.

We deny *both* propositions: The *Minor*, that the Pope was the means of our first *Conversion*:  
And

and the consequence of the *Major*; that if he had been so, it would not follow that we now owe obedience to that *See*.

For the *Minor*, Bishop *Jewel* knock'd it down so perfectly at first, it was never able to stand since; he saith it is certain, the Church of *Britain* now called *England*, received not first the Faith from *Rome*.

We were converted 9 years before *Rome*.

*Baron. An.*

35. n. 5. &

*Marg. &*

*An. 39. n.*

23. & *Sua-*

*rez. c. 1. x.*

*Contr. Angl.*

*Eccl. Error.*

The *Romanists* proof, is his bare assertion, that *Eleutherius* the Pope was the first Apostle of the *Britains*, and preached the Faith here by *Damianus* and *Fugatius* within little more than an hundred years after *Christ's* death. Bishop *Jewel* answers, that King *Lucius* was baptized near 150 years before the Emperor *Constantine*; and the same *Constantine*, the first Christian Emperor, was born in this Island: and the Faith had been planted here long before, either by *Joseph* of *Arimathea*, or *Simon Zelotes*, or the *Greeks*, or some others; which is plain, because the King being Christian before, requested Pope *Eleutherius* to send hither those Persons, *Damianus* and *Fugatius*, to Reform the Bishops and Clergy, which were here before; and to put things into better Order.

They also urged, that, as Pope *Eleutherius* in *Britain*; So Saint *Gregory* in *England*; first planted the Faith by *Austin*.

But Bishop *Jewel* at first dashed this Argument out of Countenance; plainly proving out of *Tertullian*, *Origen*, *Athanasius*, *Const.* Emp. *Chrisost.* *Theod.* that the Faith was planted in *England* long before *Austin's* coming hither. See his Defence of his *Apol. p. 11.*

*An. 210.*

*An. 212.*

*An. 334.*

*An. 360.*

*An. 400.*

*An. 367.*

Some would reply, that the Faith was utter-  
ly



ly rooted out again, upon the Invasion of  
*Lib. 1. c. 26. Heathen English:* 'twas not so, saith he, for  
*& lib. 2. c. 2.* Beda saith, that the *Queen of England* was christened; and that there were then in this Realm Seven Bishops, and one Arch-Bishop, with other more great Learned Christian men: and Galfri-  
*Lib. 82. 24.* dus saith, there were then in England, Seven Bishopricks, and one Arch-Bishoprick, possessed with very many godly Prelates, and many Abbies in which the Lord's People held the Right Religion.

Yet we gratefully acknowledge that Saint Gregory was a special Instrument of God, for the further spreading and establishing the Gospel in England: and that both Elutherius and this Gregory seem to have been very good men, and great Examples both of Piety and Charity to all their Successors in that See; and indeed of a truly Apostolical spirit and care, though not of Authority; but if all History deceive us not, that Austin the Monk, was far enough from being Saint Augustine.

The Con-  
 sequence.

But, what if it had been otherwise; and we were indeed, first converted by the means of these Popes; will it therefore follow, that we ought for ever to be subject to the Papacy? This is certainly, a *Non-sequitur*, only fit to be imposed upon easie and prepared Understandings: it can never bear the stress and brunt of a severe Disputation; and indeed the Roman Adversaries do more than seem to acknowledge as much.

Drumhall.

However, the great Arch-Bishop and Primate of Armach, hath slurred that silly Consequence with such Arguments as find no answer.

I refer

I refer the Reader, if need be, to his *Just Vindication*, p. 131, 132. Where he hath proved beyond dispute that *Conversion* gives no *Title* of *Jurisdiction*; and more especially to the prejudice of a former Owner dispossessed by violence; or to the subjecting of a free Nation to a *Forreign Prelate* without or beyond their *own consent*.

Besides, in more probability, the *Britains* were first converted by the *Eastern Church*; (as appeared by our *Ancient Customs*) yet, never were subject to any *Eastern Patriarch*. And fundry of our *English* and *Brittish* Bishops, have converted *Forreign Nations*, yet never pretended thence to any *Jurisdiction* over them.

Lastly, what ever *Saint Gregory* might acquire by his deserts from us, was meerly *Personal*; and could not descend to his *Successors*.

But no more of this, for fear of the scoffing rebukes of such as *S. W.* who together, with the *Catholick Gentleman*, do plainly renounce this *Plea*; asking *Doctor Hammond* with some shew of Scorn, what *Catholick Author* ever affirmed it? There is no doubt (though some other *Romanists* have insisted upon this Argument of *Conversion*) some reason why these should think fit to lay it aside; and we have no reason to keep it up, having otherwise work enough upon our hands. An end therefore of this first *Plea*.

## CHAP. IV

## CHAP. IV.

*Of the Pope's supposed Claim as Patriarch.*

**T**His Point admits likewise of a quick dispatch, by *four* Propositions; and the rather, for a reason you will find in the *close* of our Discourse, upon the last of them.

## P R O P. I.

Pope a Patriarch.

*The Pope was anciēly reputed the Western Patriarch.*

To this Dignity, he proceeded by *degrees*: the *Apostles* left no Rule for a *Forreign* jurisdiction from one Nation to another: But according to the *33. Canon* of the *Apostles*, (if they were indeed theirs) it behoved the *Bishops* of every Nation to know him, who is their first (or *Primate*) and to esteem him as their *Head*.

The *Adventitious* Grandeur which the Ancient *Patriarchs* afterwards obtained, is judged to arise three ways: by the *Canons* of the *Fathers*, the *Edicts* of *Princes*, or Ancient *Custom*.

*l. Nic. c. 6.*

Upon the last ground, *viz.* of *Custom*, the Council of *Nice* settled the Privileges of those three Famous Patriarchal *Sees*, *Rome*, *Alexandria* and *Antioch*: Saying, let Ancient *Custom* prevail; which Custom proceeded from the honour

honour such Churches had, as being founded by the Apostles, if not rather from the Eminency of the Cities: Therefore the Council of Calcedon, gives this as a reason of the greatness of the Sees of Rome and Constantinople, because they were the Seats of the Emperours.

## P R O P. II.

The Pope, as Patriarch, had but a limited Jurisdiction. Limited Jurisd.

1. A Patriarchate, as such, is limited; especially, if the Title restrain it to the West: for East, North, and South, are not the West, in the same respect.

2. It is further evident, from the first Number of Patriarchs; for, if there were more than one of the same Dignity and Jurisdiction, they must be therefore, limited: for a Patriarch, as such, could have no Jurisdiction over a Patriarch, as such; for so they were equal; & par in parem non &c.

3. But indeed, the first time, we hear of three, and then of five Patriarchs at once; viz. Five Patriarchs, of Rome, Constantinople, Alexandria, Antioch, and Hierusalem: And that these had all their Jurisdictions limited to them; and no one of them had any thing like a Universal Monarchy, is evident, both from Canons and History; and also by this undeniable Observation; that several Parts of the World had their own Primates independent, and exempt from all these, in the height of their power: as Africk at Carthage; the rest of Italy at Millain; France at Arles;



Arles, or Lions; Germany at Vienna; and Britain also had the same privilege.

C. Nic.

4. The sixth Canon of the Council of Nice, saith thus expressly: Let Ancient Custom prevail; according to which, let the Bishop of Alexandria have power over them of Egypt, Libia, and Pentapolis; because this was likewise the Custom for the Bishop of Rome; and accordingly in Antioch, and other Provinces, let the privileges be preserved to the Churches.

The occasion of this Canon is said to be this: Miletius a Bishop of Egypt, ordained Bishops and others in Egypt, without the Consent of the Bishop of Alexandria: the Case heard in the Council, they pronounce such Ordinations Null, depose Miletius, and by this Canon (the more venerable because the first in such Cases) confirm the Ancient Customs of that, and all other Churches.

Object.

The Romanists object, the Council did not assign any limits to those Jurisdictions.

Ans.

But 'tis fully answered, that the Council supposed such limits, and proceed upon that supposition, to allow of them, and to enjoyn the observation of them; and that is so much the more than a present limitation, as it is a proof of the greater Antiquity of such limitation.

Object.

Sure Bellarmine was hard put to it, when the words (because the Roman Bishop hath so accustomed) must be forced to speak against all Sense of Words, and Scope of the Matter; thus, i. e. saith he, the Roman Bishop hath so accustomed to let the Alexandrian Bishop govern them.

Ans.

The occasion of the Canon we had before; the Words themselves are these, ἐν ᾧ καὶ τὰ



ὁ τῆς Πάπης ἐπὶ τῶν ἑσθλῶν τῶν οὐκ ἐστὶν.  
Who but Bellarmine seeth not, that (τῶν οὐκ ἐστὶν.) imports a like Custom in the Church of Rome; as the excellent and learned Doctor *Stillingfleet* observes? The Bishop of Rome had such Jurisdiction over the Churches under him; and therefore ought the Bishop of *Alexandria* over the Churches under him; upon this Consideration the Council concludes, that so it should be.

If it be replied, the Pope had limits as a Metropolitan, but not as Head of the Church; this grants the thing in present question; that, as a Patriarch, the Pope's Jurisdiction was limited. What Power he had as Head of the Church, shall be examined in its due place.

What Power the Pope had anciently in confirming, deposing and restoring Patriarchs, will hardly be found so Ancient as the Council of *Ephesus*; and indeed, was challenged by him, not as a private Patriarch, but as Head of the Church; and therefore is to be considered under that Head also.

P R O P. III.

The Ancient Patriarchate of Rome did not include Britain. Britain excluded.

But according to *Ruffinus*, (a Roman, who lived not long after the Council of *Nice*) it was limited to the Suburbicary Cities; i. e. a part of *Italy*, and their Islands, *Sicily*, *Sardinia* and *Corfica*: much less did it ever pretend to Britain, either by Custom, Canon, or Edict of any of our Princes. *Ruffinus.*

Consequently, we say, the *Papal Power* over us, was an *after-encroachment* and usurpation, and a plain violation of the general Council of *Ephesus*.

Par. 2. Act.  
7.

Our Argument is this; the General Council of *Ephesus* declare, that no Bishop should occupy any Province, which before that Council, and from the Beginning had not been under the Jurisdiction of him or his Predecessors; and that if any Patriarch usurped any Jurisdiction over a free Province, he should quit it; for so it pleased the holy Synod, that every Province should enjoy its Ancient Rites, pure and inviolate.

But it is evident, the Bishop of Rome had no Power in *Brittain*, from the Beginning; nor yet before that general Council; nor for the first six hundred years after Christ (as will appear when we speak of the next claim, viz. Possession.)

Pope Boni-  
fact.

Now, if the Pope had no Patriarchal Power in *Brittain* before the six hundredth year of Christ; he could not well have any since: for Pope Boniface, three years after Saint *Gregorie's* death, disclaimed this Power, by assuring an Higher Title: so that had we been willing to admit him our Patriarch, contrary to what *Augustine* found, time had been wanting to settle his Power, as such, in *England*.

From the whole, we conclude, either the Pope is none of our Patriarch: or if such; he stands guilty of Contempt of a general Council; and hath done so, many hundred years; i. e. he is no Patriarch at all, or a Schismatical one.

## PROP. IV.

To be a Patriarch and Universal Bishop, in the Sence of the Ramanist, is inconsistent.

Inconsistent with Head of the Church.

Therefore the Pope must let fall his Claim as a Patriarch, if he pretend to be Universal Bishop: Thus the great Arch-Bishop Bramhall reasons wisely and strongly; but S.W. gives no answer to it, only that he argues weakly and sillily.

The Lord Primate proves the inconsistency by Arguments not yet answered: the Patriarch (saith he) professeth *Humane*; the Universal Pastor, challengeth *Divine* Institution: the one hath a *limited* Jurisdiction over a certain Province; the other pretendeth an *Universal* Jurisdiction over the *World*: the one is subject to the *Canons* of the *Fathers*, and a mere *Executor* of them; and can do nothing either against, or besides them; the other challengeth an *absolute* Sovereignty above the *Canons*, to make, abrogate, suspend them at his pleasure, with a *Non-obstante*, when, where, and to whom he pleaseth.

Therefore, the Claim of this *absolute* Power disclaimeth the *limited*; and the donation and acceptance of a *limited* Power, convinceth that there was no such *absolute* Power before: had the Pope been *unlimited* before, by *divine* donation; who can imagine, that he would ever have taken *gradum Simeonis* in this Sence, by stooping so low to receive from the hand of man, the narrower dignity of a Patriarch?

Just. Vind.  
p. 282.

Patriarchs  
subject to  
Civil Power.  
st.

Besides, it is fully proved by Doctor *Hammond* in his Book of *Schism*, beyond all the little exceptions of the *Romanists*, (as more at large hereafter) that, the See of a *Patriarch* is disposab[e] by the *Civil Power*; and therefore, what ever Power the *Pope* may be thought to have had heretofore in *Brittain*, is now lawfully otherwise disposed of by the *Kings* of *England*; as well as evidently rejected by the *Usurpation* of an *higher*, and an *higher kind* of *Title*, inconsistent with it; and justly forfeited many other ways, as will appear hereafter.

Schif. dl-  
am. p. p.  
157.

But though our Adversaries would seem to say something in favour of this *Title*, they dare not stand to it; as indeed it is not convenient they should, if they would save their *Head* whole. Therefore, after much a do to very little purpose, *S. W.* concludes against Doctor *Hammond* thus. Besides, saith he, were all this granted, what is it to *your*, or *our* purpose? Since we accuse you not of *Schism*, for breaking from the *Pope's* Subjection, as a *Private Patriarch*, but as the *chief Pastor* and the *Head* of the *Church*.

*So there is an end of their Second Plea.*

## C H A P. V.

The Third Papal Claim, viz. Prescription, or long Possession. Case Stated : Their Plea ; our Answer in three Propositions.

**T**He true *state* of the case here, is this: Case stated.  
 It cannot be denied but the Church of *England* was heedlessly and gradually drawn into Communion with the *Roman* Church, in her *additions*, superinduced upon the ancient *Faith* and *Worship* : and likewise into some *degrees* of subjection to *Papal* Jurisdiction. And in this Condition we had continued for some considerable time, before King *Henry* the Eighth ; and that bold King (upon what *Motives* is not here material) with the consent of his three *Estates* in *Parliament*, both houses of the *Convocation*, and both the *Universities* of the Land, threw off the *Roman* Yoke, as a manifest *Usurpation*, and a very grievous oppression ; and recovered the people and Church of *England* to their *ancient* liberties of being governed by their own domestick *Rulers*. Afterwards, in the Reigns of *Edward* the Sixth, and Queen *Elizabeth*, and by their proper Authority, we reformed our selves by throwing off the *Roman Additions* to our Faith and Worship.

Had we gone about a Reformation while we acknowledged subjection to the See of *Rome*, or indeed, before we had renounced it, there



had been more colour to charge us with *Schism* and disobedience: But now the proper question is, first whether the State of *England* did then justly reject the Jurisdiction of the Pope in *England*; and only consequently, whether we did afterwards lawfully *Reform* without him: The cause of our Reformation belongs to another Argument, which we shall meet hereafter.

Plea

The papal *Plea* here, is; the Popes Authority was established here by long Possession: and therefore if nothing else could be pleaded for it, *Prescription* was a good Title: and therefore it was injurious and *Schismatical*, first to dispossess him, and then to go about to reform without him.

*Our Answer is home and plain, in these Three Propositions.*

Ans

1. The Church of England was never actually under the Popes Jurisdiction, so absolutely as is pretended.

2. The Possession which it had obtained here, was not sufficient to create the Pope a good Title.

3. Or if it were, yet that Title ceased when he lost his Possession.

## C H A P. VI.

## Prop. I.

*The Papacy had no Power here, for the  
first Six Hundred Years. St. Aug.  
Dionoth.*

**T**He first Proposition is this, that the Church of *England* was not *actually* under the *Papal Jurisdiction*, so absolutely as is pretended; that is, neither *Primarily* nor *Plenarily*.

First not *Primarily*, in that we were free from the *Papal Power* for the first *Six Hundred Years*. 1. Not Primarily.

This is confirmed beyond all exception, by the entertainment *Augustine* found among the sturdy *Brittains*, when he came to obtrude that *Jurisdiction* upon them: whence 'tis evident, that at *that time*, which was near six hundred years after Christ, the *Pope* had neither *actual* possession of *Government* over, nor of the *belief* of the *Brittains*, that he ought to have it. In Fact or Belief.

The good *Abbot of Bangor*, when pressed to submit to the *Roman Bishop*, answered, in the name of the *Brittains*; *That he knew no Obedience due to him, whom they called the Pope*, but the Obedience of *Love*; and adds those full peremptory exclusive words, that *under God*, they were to be Governed by the *Bishop of Caerleon*: Which the Lord *Primate Bramhall* saith, is a full demonstrative convincing proof, for the whole time. Spel. conc. an. 601.

Vind. p. 84 time, viz. the first six hundred years.

But 'tis added, that which follows, strikes the question dead. *Augustine*, *St. Gregories Legate*, proposing three things to the *Brittains*.

1. That they should submit to the *Roman Bishop*.
2. That they should conform to the *Roman Customs*.
3. Lastly, That they should joyn with him in Preaching to the *Saxons*.

Hereupon, the *Brittish Clergy* assembled themselves together, *Bishops* and *Priests* in two several Synods one after another; and upon mature deliberation, they rejected all his propositions Synodically; and refused flatly and unanimously to have any thing to do with him upon those terms: Inasmuch as *Augustine* was necessitated to return over Sea to obtain his own Consecration; and after his return hither, to consecrate the *Saxon Bishops* alone; without the assistance of any other Bishop. They refused indeed to their own cost: Twelve hundred innocent Monks of *Bangor*, shortly after, lost their lives for it. The foundation of the *Papacy* here, was thus laid in Blood.

Obj:

'Tis objected; that the story of the *Abbot of Bangor* is taken by *Sir H. Spelman*, out of an old *Welsh* Author of suspected credit; but all Objections to that purpose are removed by my Lord *Primate*, and *Dr. Hammond*: Besides, we have other Authority sufficient for it, and beyond contradiction.

Bede. li. 2. c.

2.

The Story in *Bede* himself, as vouched by *T. H.* himself, against *Dr. Hammond*, puts it beyond all doubt, that the *Abbot* and *Monks* opposed *Austin*, and would not subject themselves to

to the Pope of *Rome*, but referred themselves only to their own Governours, which is also the general result of other Authors account of this matter; and if the matter of *Fact* be established, 'tis enough to disprove the Popes *Possession* at that time; whether they did well or ill, is not now considered.

*Baleus* speaking of that *Convention*, saith, *Disputed* In *Dinot*h.  
*noth* disputed against the Authority of *Rome*; and defended stoutly (*fortiter*) the Jurisdiction of *St. Davids*, in the affairs of his own Churches.

The same is observed by *Geoffrey of Monmouth*, and *Sigebert* and others, for which *Dr. Hammond* refers us to the Collection of the *Anglicane* In an. 602.  
 Councils, and *Mr. Whelock's* Notes on the *Saxon Bede*, p. 115.

And indeed, the Author of the *Appendix* written on purpose to weaken this great instance, confesseth as much; when he concludes *Austin* in the *Right*, from the *miracles* and divine vengeance upon the refusers, continuing still *refractory* to his proposals.

Of the *right* of the cause we now dispute not; and he acknowledgeth, that *Augustine* had not *Possession*; the thing we contend for. However, this instance being of great *moment* in the whole Controversie, let us briefly examine what *T. H.* hath said against it.

*T. H.* questions the Authority of the *Welsh* Obj. 1.  
*M. S.*

But the account there, is so perfectly agree- An.  
 able to the general account given by others (most competent Witnesses) and even *Bede* himself, that as we have no necessity to insist much upon it; so they have no reason at all to question it.

it. Besides if the Reader would more fully satisfie himself, he may see all the exceptions against this by *M. S.* at large answered by Dr. *Hammond* and the *Arch-Bishop Bramhall*.

Obj. 2.

But *Bede* concludes, that the *Brittains* ought to have yielded in the points specified, from the miracle wrought by *Augustine* upon the blind man; and from that divine vengeance, prophetically foretold by *Augustine*.

An.

1. We now know what *tricks* are used to counterfeit *miracles*, in the sight of simple people.

2. We know not, but that miracle might be said, but never done, as many in the *Legends* are: And *Bede* might report, from very slight tradition, a thing tending to the confirming his own Cause.

3. By *Bede's* own Confession, the miracle did prevail with the *Brittains*, to acknowledge, that the way of *Righteousness* *Augustine* preached, was the true; yet they added, that they could not renounce their *ancient Customs*, without the consent and license of their own *Superiors*: i. e. they thought the miracle confirm'd his *Doctrine*, but not the *Popes Authority* over them; And therefore lastly, at their *second* meeting, they deemed his *Pride* a stronger Argument against him, than his *Miracle* for him.

2. And for that latter Argument from the *Slaughter*, first threatned and then fulfilled: *Bed. Sigisbert*.

An.

Sure 'twas no strange thing, that a proud man (as *Augustine* appeared to be) should threaten *Revenge*: And a bloody minded man, to endeavour to execute it, as is evident he did.

Neither



Neither is it like a *great* miracle, that a vast *Army* should first overcome *unarmed* Monks; and then proceed victoriously against other opposers.

Yet the latter part of the *Story* quite spoils the *miracle*; or the *Argument* from it: For when *Edilfred* in the heat of his *Rage* and *Victory*; proceeded to destroy the *Remainder* of those Monks; the avenger of *Blood* met him: the *Brittish Forces* routed his *Army*, and killed *Ten Thousand and Sixty* of them.

But the *Conclusion* for my present turn, stands firm however; that, notwithstanding these pretensions of *Miracles*, the *Brittish* rejected the *Pa-pacy*, and adhered to their proper *Governors*; i. e. the *Pope* then had not the *Possession* of them.

I shall conclude here, with that smart reply of *Arch-Bishop Bramhall* to *S. W.* To demonstrate evidently how vain all his trifling is against the *Testimony* of *Dionothus*: why doth he not answer to the corroboratory proof, which I brought out of *Bede* and others; of two *Brittish Synods*, held at the same time, wherein all the *Brittish Clergy* did renounce all obedience to the *Bishop of Rome*; of which all our *Historiographers* do bear *Witness*? Why doth he not answer this; but pass it by in so great silence? He might as well accuse this of forgery as the other; since it is so well attested, that *Dionothus* was a great Actor and disputer in that business.

## S E C T. I.

*That no one Part of Papal Jurisdiction was exercised here, for the first six hundred years; not Ordination: St. Telaus, &c. till 1100 years after Christ, &c. nor any other.*

Not ple-  
narily.

**I**F we consider the Pope's Jurisdiction in its particular Acts, we find not so much as any one exercised or acknowledged here, during the space of the first six hundred years; but, as far as History gives us any account thereof, all Acts of Jurisdiction were performed by our own Governours.

Not Ordination.

First, had the Pope had any Jurisdiction here at all, it would doubtless have appeared in the Ordination or Consecration of our Bishops. *Ordinationis Jus cetera Jura sequuntur*, is a known Rule in Law: but 'tis evident that our own Primates were independent themselves, and ordained new Bishops, and created new Bishopricks, without licence first obtained from, or giving any account thereof to the Pope. Saint Telaus Consecrated and ordained Bishops, as he thought fit: he made one *Hismael* Bishop of Saint Davids; and in like manner advanced many others of the same Order to the same degree; sending them throughout the Country, and dividing the Parishes for the best accommodation of the Clergy and the People. *Vid. Regl. apud Ush. prim. Eccles. Brit. p. 56.*

Quest.

But were not our Primates themselves nominated

nated or elected by the *Pope*, and Consecrated by him or had *license* from him?

The contrary is manifest enough: all our *British* Arch-Bishops and *Primates* were nominated and elected by our *Princes*, with *Synods*, and ordained by their own *Suffragans* at home; as *Dubricius*, *Saint David*, *Sampson*, &c. not only in the Reigns of *Aurelius Ambrosius*, and King *Arthur*; but even until the time of *Henry the First*, after the eleven hundredth year of *Christ*, as *Giraldus Cambrensis* saith; and always until the first Conquest of *Wales* they were Consecrated by the Arch-Bishop of *Saint Davids*; and he was likewise Consecrated by other *Bishops*; as his *Suffragans*, without professing any manner of *Subjection* to any other Church. *Itinera. Cambr. l. 2. c. 2.*

Now is it not fair to expect from our *Adversaries* one Instance, either of a *Bishop* or Arch-Bishop, ordained or Consecrated, during the first six hundred years, by *Papal* Authority in *Brittain* from their own, or our *British* Records? But this Challenge made by Arch-Bishop *Bramhall* receives no answer.

Here the *Bishop of Caledon* only offers, *Object. 2.* that few or no Records of *British* Matters for the first six hundred years, remain.

This is no Answer (saith the *Primate*) while all the *Roman* Registers are extant: yea, so extant, that *Platina*, the *Pope's* Library Keeper, is able out of them, to set down every Ordination, made by the *Primitive* Bishops of *Rome*; and the Persons Ordained.

He adds, Let them shew what Bishops they have Ordained for the first six hundred years:

I have shewed plainly (though he please to omit it) out of the List of the Bishops ordained, three by Saint Peter, eleven by Linus, fifteen by Clement, six by Anacletus, five by Evarastus, five by Alexander, and four by Sixtus. &c. that there were few enough for the Roman Province; none to spare for Britain. Vid. Bramh. Tom. 1. Disc. 3. p. 207.

St. Peter.

It is said that Saint Peter ordained here; but that was before he had been at Rome: therefore not as Pope of Rome.

Nor any  
other.  
Eluth.

2. Elutherius sent Fugarius, &c. but what to do? to Baptize King Lucius: upon the same Errand he sent Victor into Scotland.

Pallad. &c.

3. Palladius and Ninian are instances of men sent to preach to the Picts and Scotland, as Saint Patrick into Ireland: this was kindly done; but we have not one Syllable of any Jurisdiction all this while: besides it is remarkable, though there be a dispute about Palladius his being sent; yet, 'tis certain, he was rejected, and after died; in whose place, Saint Patrick succeeded, without any Mandate from Rome that we read of.

Id. in vit.  
S. Pat. l. 1.

Object.  
Legates.  
S. 17.

Jeffry of Monmouth saith, that Dubricius Primate of Britain, was Legate of the See Apost: and we say that Jeffry tells many Fables: and that it is gross Credulity to believe him contrary to the Authentick History, and more undoubted practises of those Times: we read (saith the Primate) of many Legates; but certainly, they were either no Papal Legates; or Papal Legates, in those days, were but ordinary Messengers, and pretended not to any Legatus Power, as it is now understood: for we read

fo

so much as any *one act* of Jurisdiction done by them, and firmly conclude, thence, that there *Pall* was *none*.

But R. C. saith St. Sampson had a *Pall* from *Obj.*  
*Rome*.

He had a *Pall*, but tis not proved that he had *Sol.*  
it from *Rome*; 'tis Certain, Arch-Bishops and  
*Patriarchs* in the Primitive times had *Palls*,  
which they received not from *Rome*.

Besides, if he did receive that *Pall* from  
*Rome*, in all probability it was after the first *six* *Irin. Cam.*  
*hundred years*: If either, according to *Cambren-* *p. i. c. i.*  
*sis*, he was the *five and twenieth* Arch-Bishop  
after St. David, or, according to *Hoveden*, the *R. Hoved.*  
*four and twentieth*; and then 'tis nothing to our *an. 1199.*  
present question.

St. Gregory granted to *Austin* the use of the  
*Pall*, saith R. C. the proper badg and sign of *Obj.*  
*Archiepiscopal* dignity; and gave him liberty to *Pall.*  
ordain twelve Bishops under his jurisdiction, as  
*Arch. Bishop* of *Canterbury*.

This was done at the *end* of the first six hun-  
dred years, and therefore not to our present *Sol.*  
question: However, if the *Pagan* Saxons had  
destroyed Christianity among the *Brittains*, (as  
they say) it was very Christianly done of St.  
Gregory, to send *Augustine* to convert and re-  
establish the Church among them; but none can  
imagine, that by receiving *Augustine* and his  
Bishops, they intended to submit themselves and  
Posterity to the *See* of *Rome*, which when pre-  
sented before, the *Brittains* so *unanimously* rejected.

Neither indeed, could they do it to the pre-  
judice of the *ancient Primacy* of the *Brittains*;  
existing long before; and confirmed in its inde-



pendency upon any foreign power: For Bede himself, as well as all our own Historians, makes it most evident, that the *Brittains* had Bishops long before: We find the subscriptions of three of them to the first Council of *Arles*; *Eborius* of *York*, *Restitutus* of *London*, and *Adelfius* de *Civitate Coloniae Lond.* and from the presence of some of them at the *Sardican* Synod, and the Council of *Ariminum*; as appears by *Athanasius* and others; and that they had also an *Arch-Bishop* or *Primate*, whose ancient seat had been at *Caerleon*; who rejected the *Papacy*; then possessing and defending the privilege of their freedom from any foreign Jurisdiction.

This their privilege was secured to them, both by the *Nicene*, *Calcedonian*, and *Ephesian* Councils. Contrary to these Councils, if the *Pope* did intend to give *Augustine* the primacy over the *Brittains*, it was a plain usurpation. Certainly the privileges of the *Brittannick* Church returned with its Christianity; neither could *Gregory* dispose of them to *Austin*, or he to *Gregory*.

Besides Lastly, 'tis not possible any sober man can imagine, that that humble and holy *Pope*, *St. Gregory*, who so much detested, if in earnest, the very Title of *Universal Bishop*, should actually invade the privilege of the *Brittains*, and hazard his own Salvation in his own Judgment, when he so charitably designed the Conversion of *England* by sending *Austin* hither.

T. C. saith, it appears that *Britain* was anciently subject to the See of *Rome*: For *Wulfred*, *Arch-Bishop* of *York*, appealed to *Rome* twice; and was twice restored to his Bishoprick.

If in earnest.

Obj.

Wulfred.

We see when *this* was done: *Seventy and three* Sol.  
years after the first six hundred. An. 673.

He appealed indeed, but was still rejected; notwithstanding the sentence of Rome in his favour, for six years together, during the Reigns of King Egbert and Alfrid his Son; so far is this instance, from being a proof of the Popes possession here at that time: Yet this is the most famous; saith my Lord Bramhall, I had almost said, the only Appellant from England to Rome, that we read of before the Conquest.

Moreover, the Answer of King Alfrid to the *Alfrid. Spel.*  
Popes Nuncio, sent hither by the Pope on purpose, conc. an.  
is very remarkable: He told him, he honoured 705.  
them as his Parents for their grave lives and honorable Aspects; but he could not give any assent to their Legation because it was against reason, that a Person twice Condemned by the whole Council of the English, should be restored upon the Popes Letter.

At this time it is apparent, neither the Kings of England, nor the Councils of English Churchmen (as my Lord Bramhall expresth it, two Kings successively, and the great Councils of the Kingdom, and the other Arch-Bishop Theodore, with all the prime Ecclesiasticks, and the Flower of the English Clergy, opposing so many Sentences and Messages from Rome) did believe, that England was under the Jurisdiction of Rome; or ought to be so.

Yea, the King and the Church, after Alfrid's After Al-  
death, still made good this Conclusion; that it *fred.*  
was against Reason, that a person twice condemned by the whole Council of the English, should be restored upon the Popes Bull.

Malmesbury would suggest, that the King and

the *Arch-Bishop Theodore*, were smitten with remorse before their deaths, for the injury done to *Wilfred*, &c. But not the *King* only, but the whole *Council*; not *Theodore* alone, but the whole *Clergy* opposed the *Popes* Letter: which is enough both to render the dream of *Malmſbury*, a ridiculous Fable; and for ever to confirm this truth, that *England* was not then, viz. in the six hundred seventy and third Year of *Chriſt*, under the Jurisdiction of the *Pope*, either actually or in the belief of the Church or Kingdom of *England*.

The Latter, viz. the non-possession of our belief of the *Popes* universal Jurisdiction, (which is so much insisted upon by the *Romanists*) will yet more evidently appear, by that which followeth.

## SECT. II.

### *No Possession of our Belief, ancient.*

Not in *England*.

**V**WE have found the *Brittains*, by the good *Abbot*, and two several *Synods*; we have found the *State of England* in three successive *Kings*, their great *Councils* and body of the *Clergy*, refused to yield *Obedience* both to the *Popes* Persuasions, Injunctions, Sentences, and Legates: Therefore it seems impossible that *Brittain* or *England* should then believe either the *Popes* *Infallibility*, or their obligation to his Jurisdiction; or that there was any such thing as the *Tradition* of either delivered to them by their

their *Ancestors* or believed among them.

Indeed, by this one Argument, those four great *Characters* of the Papacy are deleted and blotted out for ever; *viz.* *Possession, Tradition, Infallibility, and Antiquity.*

I shall add the *practice* and *belief* of *Scotland* Nor in too; that other great part of our *Kings* domi- *Scotland.* nions: When the Popes *Legate*, more than *Math. Par.* twice six hundred years after Christ, *viz.* about in H. 3. an. 1238. entred *Scotland*, to visit the Churches 1238. there; *Alexander* the second, then King of the *Scots*, forbad him so to do. Alledging, That none of his Predecessors had ever *admitted any such, neither would he suffer it*: And therefore willed him at his own *Peril* to forbear. Hence 'tis evident, there was neither *Tradition* nor *Belief*, either of the Popes ancient and *necessary* Government, and therefore not of his *Infallibility*; much less that anciently and from the *beginning*, the Pope had exercised his Jurisdiction more in *Scotland* than in *England*. We have that Kings word for it, *None of his Predecessors had ever admitted any such.*

## S E C T. III.

*In Canons, Apost: Nice, Milev, &c.  
This Belief could have no Ground  
Sardia.*

*Vid. c. 29.*

**W**Hat could possibly sway the first Ages to such a belief of the Popes universal Jurisdiction? Certainly nothing from the Councils; nor the practice of the Church in other places, nor indeed the declared Judgment of the Pope himself, nor the words of the Laws.

*Not Councils.  
Apostles.*

1. Nothing to be found in the Canons of the Ancient Councils could invite to such belief. In the Apostles Canons, we find the quite contrary: *πρώτος*, the first or primate among the Bishops of every Nation shall be accounted *ὡς κεφαλὴ*, as their Head; and that every one of those Primates shall *ἐν ἑαυτῷ πρῶτον* do those things only which belong to his Province and the Regions under it; and in pursuance of those Canons, the first Nicene Council decreed *τὸς ὑποἐλέγων*, &c. that they that are cast out by some, shall not be received by other Bishops, and that this must be observed by the Bishops through every Province; and in further Harmony the Milevetan Council prohibits all appeal from their own Bishops, but to the African Councils and Primates of their own Provinces; and that they which shall appeal to any Foreign, whether Bishop or Council shall not be received into Communion with any in Africk. And lastly, the Practice of all this is visible in the very Synodical Epistle of

*Nice.*

*Milev.*



of the *African Council* to *Pope Celestine*, where they beseech him for the future, *that he will receive none such, because he may easily find it defined in the Council of Nice.* These *Canons* are all in the *Roman Codex*, and cannot be pretended to be invalid; neither can they possibly oblige any man to believe that the Pope had *universal Jurisdiction* as is now pretended.

Moreover, as *Dr. Hammond* Notes, to some of these *Canons* the Pope himself makes *Oath*, that he will *irrevocably observe* them (see *Corp. Juris can. decret. part. 1. dist. 16. c. 8.*) and from that *Oath*, of the Pope, our *Bishops* made this very conclusion, that the *Popes* that *Exercised a primacy* over any other *Bishops* but those of their own province in *Italy*, transgress'd their own profession made in their *Creation*: as further appears by the institution of a *Christian man* in the year 1538.

Vid. v. Dr. Ham. at larg. dispar, disp. 397 398, 399, &c.

Disp. disp. p. 178. Pope swears to the Canons.

But more largely of this in the last Chapters.

Therefore, the *Brittains* could not believe that they then owed *Subjection* to the *papacy*, but they must charge the writers of the *Apostolick Canons* (whether by *Apostles* or *Apostolical men*) and the *Concills*, for enacting *Sacriligious* decrees; and the *Pope* also for swearing the *Irrevocable* observation of them.

These things are plain, and *S. W.* by pretending in general, that *Words* admit of *Various* interpretations, without applying his Rule to the Case; gives but too just occasion to *Dr. Hammond* to expose him as he doth. See *disp. disp. p. 181 182 183 184.*

*Eadmer* speaks plain and home too; it was p. 58. 43. *inauditum in Britannia, quemlibet hominum super se vices Apostolicas gerere, nisi solum Archie-*

*piscopum Cantuarie.* it was a thing unheard of, no practice of it, no Tradition for it; therefore no such thing Could be believ'd, that any other (not the Pope himself) did Apostolically Govern the affairs of Brittain, but only the Arch-Bishop of Canterbury.

#### SECT. 4.

*Conc. Sard. Calced. Constantinop.*

*Wd. Cap.  
20. Sict. 9.*

*Sardica.*

*Soli.*

IT may be said, the Britains might hear of the Canon of the Council of Sardica; where it was decreed that Bishops grieved, might appeal to the Bishop of Rome.

The words of the Council are these, *εἰ δὲ ἀ-  
γοῖς, &c.* In Case any Bishop thought him-  
self unjustly Condemned; if it seem good to  
you, let us honour the Memory of Peter the A-  
postle; that it be written by those who have Judged  
the Cause to Julius the Bishop of Rome; and if  
it seem good, let the judgment be renew'd, and  
let them appoint such as may take Cognizance of  
of it. hereupon tis plain

1. These Fathers did not acknowledge the  
Popes Supremacy, who thus laid it at the feet, and  
pleasure of others, (if it seem good to you)

2. Here is no peremptory Order, neither, and  
it might not Seem good to Civil Princes, to  
suffer such Appeals.

3. No absolute appeal it seems was intended;  
but only the Bishop of Rome might review the  
Case: and how much a review differs from A-

More of  
Conc. Sar.  
hereafter.

peal; and that nothing but power to review is  
here

here given to the Bishop of *Rome*, are both fully manifested by the Arch-Bishop of *Paris*, *Petr. de Marca. de Concord. l. 7. c. 3. sect. 6, 7. &c.*

4. The Decree (such as it is) is not grounded upon any *prior right*, from *Scripture*, *tradition*, or *possession*, or any former Council; hath no other Argument but the honour of *Saint Peter*; and that not in his *Authority*, but his *Memory*; who first sat in that *See*, where *Julius* was now Bishop: but we may have leave to ask, where was the *Supremacy* of the Church of *Rome* before? or how should the *Brittains* dream of it before? or why did not these *Canons* take notice of the undoubted Canon of *Nice* to the contrary, made two and twenty years before, either to null or explain it?

But that these *Sardic Canons*, neither established the Pope's *Supremacy*; nor were acknowledged to bind the Church afterwards; nor could be accounted an *Appendix* to the Council of *Nice*; and what weakness and *falsehood* has been practised upon this Argument, is so largely, ingenuously and satisfactorily manifested by Doctor *Sillingsfleet*, that I shall for his fuller satisfaction refer the Reader to him, in his *Ration. acc. p. 419, 420, 421. &c.*

It is strongly argued in the last reasonings of my Lord *Bramhall*, that after the *Eastern Bishops* were departed, this Council of *Sardica* was no general Council; because the presence of five great *Patriarchs* were ever held necessary to the being of a general Council; as *Bellarmino* confesseth *de Conc. Li. c. 17.*

If this Council had been general: Why do *Saint Gregory*, *Isidore*, and *Bede*, leave it out of  
the

Apud Spil.  
An. 680. l.  
169

the Number of general Councils? Why did Saint *Austine, Alipius* and the *African Fathers*, slight it? and which is more, why doth the *Eastern Church* not reckon it among their *Seven*; nor the *Western Church* among their *Eight first general Councils*? Why did the *English Church* omit it in their Number in the *Synod of Hede-*  
*feld* in the year 680. and embrace only unto this day the Council of *Nice*, the first of *Con-*  
*stantinople*, the first of *Ephesus*, and the first and second of *Calcedon*?

The five first general Councils were therefore incorporated into our *English Laws*; but this Council of *Sardina* never was: Therefore contrary to this Canon of *Appeal*, 'tis the Fundamental Law of *England*, in that Famous Memorial of *Clarendon*: All Appeals in *England* must proceed Regularly from the *Arch-Deacon* to the *Bishop*, from the *Bishop* to the *Arch-Bishop*, and if the *Arch-Bishop* failed to do justice, the last Complaint must be to the *King* to give Order for redress.

P. 2. ac. 14.  
c. 9.

Calcedon.

'Tis evident, the great Council of *Calcedon* contradicted this Canon for Appeals to *Rome*: where Appeals from the *Arch-Bishop* are directed to be made to every *Primate*, or the Holy See of *Constantinople*, as well as *Rome*: from which Evidence, we have nothing but silly Evasions, as that *Primate* truly observes, v. *Sch. guarded* p. 374.

Besides, if our Fore-fathers had heard of the Canons of the Councils truly general, (as no doubt they had) how could they possibly believe the unlimited Jurisdiction of *Rome*, the Council of *Calcedon* is not denied to give equal privi-

Priviledges to the Patriarch of Constantinople, with the Patriarch of Rome. And the Council of Constantinople conclude thus: for the (Nicene) Fathers did justly give Priviledges to the See of Constantinople, because it was the Imperial City; and the 150 godly Bishops moved with the same consideration, did give equal Priviledges to the See of new Rome; that that City which was the Seat of the Empire and Senate should enjoy equal Priviledges with the Ancient Imperial City of Rome, and be extolled and magnified in Ecclesiastical Affaires as well as it being the Second in order from it: and in the last Sentence of the Judges upon Review of the Cause: the Arch-Bishop of the Imperial City of Const. or new Rome, must enjoy the same Priviledges of Honour; and have the same Power out of his own Authority, to ordain Metropolitans in the Asiatick, Pontick, and Thracian Dioceses.

Are these the Words of a General Council? could these Fathers imagine the Pope at that time Monarch of the whole Church? or could this be acknowledged by England at first, and they yet give up their Faith to the Pope's Universal Power? Can these things consist? Yea, is there not something in all the Councils allowed by the Ancient Britains, and the Ancient English Church, sufficient to induce a Faith quite contrary to the Roman Pretensions?

But as to this Canon of Constantinople, S. W. Object. quits his hands; roundly telling us, that it was no free Act, but voted Tumultuously, after most of the Fathers were departed.

S. W. had been safer, if he had been wiser: Sol. for that which he saith, is altogether false; and



and besides such a cluster of *Forgeries*, as deserves the Whet-stone to purpose; as my Lord *Bramhall* manifests against him, *Sch. guard.*  
p. 354.

1. False: the Act was made before the *Bishops* had license to depart; it had a *Second Hearing*; and was debated by the *Pope's* own *Legates* on his behalfe, before the most glorious *Judges*; and maturely Sentenced by them in the *Name* of the *Council*. This was one of those four *Councils*, which *Saint Gregory* honoured next to the four *Gospels*. This is one of those very *Councils*, which every succeeding *Pope* doth swear to observe to the least tittle.

2. For his *Forgeries* about it, he is sufficiently shamed by the *Primate* in the place cited: 'tis pity such *shifis* should be used; and 'tis folly to use them; when the *Truth* appears, what remains, but, both the *Person* and the *Cause* reproach'd.

*See more of the Councils at the latter end.*

## S E C T. V.

*Arabic Canons forged; no Canons of the Council of Nice.*

Objc<sup>a</sup>.

**Y**ET 'tis a Marvellous thing, that the *Romanist* should dare to impose upon so great and learned a *Primate*, as the late *Arch-Bishop Laud*; that by the third Canon of the Council of *Nice*, the *Patriarch* is in the same manner over all those

those that are under his Authority; as he who holds the See of Rome is Head, and Prince of the Patriarchs, resembling Saint Peter, and his Equal in Authority.

When 'tis most evident to the meanest capacity, that will search into it; that, *that* is no Canon of the true Council of Nice; and that instead of the *third*, it is the *thirty ninth* of the *supposititious* and forged Canons; as they are set forth in the *Arabick* Editions, both by *Pisanus* and *Turrianus*. Answ.

In these Editions there are no less than *eighty* Canons pretended to be *Nicene*; whereas the *Nicene* Council never passed above *twenty*: as is evident from such as should know best, the *Greek* Authors; who all reckon but *twenty* Canons of that Council. Such as *Theodoret*, *Nicephorus Calistus*, *Gelasius Crigenus*, *Alphon-* Hist. Ecl. l. 1. c. 7.  
*sus Pisanus*, and *Binnius* himself confesseth Ecl. Hist. l. 8. c. 19.  
that all the *Greeks* say there were no more Act. Conc. Nic. lib. 2.  
but *twenty* Canons, then determined.

Yea, the *Latins* themselves allowed *no more*: for although *Ruffinus* make *twenty two*, 'tis by splitting of *two* into *four*.

And in that *Epitome* of the Canons, which *Pope Hadrian* sent to *Charles the Great*, for the Government of the *Western Churches*, *Anno 773*. the same Number appears: and in *Hincmarus's M. S.* the same is proved, from the Testimonies of the *Tripartite History*, *Ruffinus*, the *Carthaginian Council*, the *Epistles of Cyril of Alex.* *Atticus of Constant.* and the *twelfth* Action of the Council of *Calcedon*: and if we may believe a *Pope*, viz. *Stephen*, in *Gratian*, saith, the *Roman Church* did allow of no more Gra. dis. 16. c. 204  
than *twenty*. The

P. 363. The truth is put beyond all question, lastly, both by the proceedings of the *African Fathers*, in the case of *Zosimus* about the *Nicene Canons*, when an *early* and diligent search made it evident; and also by the *Codex Canonum. Eccl. Afric.* p. 58. where it is expressly said, there was but twenty Canons.

P. 391, 392 But this matter is more than clear, by the elaborate pains of Dr. *Still.* defence of the late *Arch-Bishop Laud*, to whom, I must refer my Reader.

Obj. Yet *Bellarmino* and *Binius* would prove there were more than twenty.

Sol. But their proofs depend either upon things, as suppositions, as the *Arabick Canons* themselves; such as the *Epistles* of *Julius* and *Athanasius ad Marcum*: or else they only prove, that some other things were determined by that Council, viz. Concerning *Rebaptization*, and the keeping of *Easter*, &c. which indeed might be *Acts* of the Council, without putting them into the *Canons*; as *Baronius* himself confesseth, and leaves the patronage of them, and *Spondanus*, in his contraction of *Baronius*, relates it as his positive Opinion, that he rejected all but twenty, whether *Arabick* or other, as spurious.

Ad an. 325. P. 108. Ad an. 325. n. 42. So that it will bear no further contest, but we may safely conclude, the *Arabick Canons*, and consequently this of the *Popes Authority*, is a mere *Forgery* of later times; there being no evidence at all, that they were known to the Church in all the time of the four first general Councils.

## S E C T. VI.

*Practice interpreted the Canons to the same Sence against the Pope: Disposing of Patriarchs. Cyprian. Aug.*

WE have found nothing in the Canons of the ancient Councils that might give occasion to the belief of the Popes Jurisdiction in England, in the Primitive Ages of the Church; but indeed, very much to the contrary: But the Romanist affirms against my Lord of Canterbury, that the *Practice of the Church is always the best Expofitor and Affertor of the Canons*. We are now to examine, whether the ancient practice of the Church was sufficient to persuade a belief of the Popes Jurisdiction as is pretended. In the mean time not doubting, but that it is a thing most evident; that the Pope hath practised contrary to the Canons; and the Canons have declared, and indeed been practised against the Pope.

But what *Catholick Practice* is found on Record, that can be supposed a sufficient ground of this Faith, either in England or any part of Christendom? Certainly not of *Ordinations* or *Appeals*, or *Visitations*. Yea, can it be imagined, that our English Ancestors, had not heard of the practice of the Britains in maintaining their liberty when it was assaulted by *Austin*; and rejecting his demands of *Subjection* to the See of Rome? No doubt they had heard of the *Cyprian Priviledge*; and how it was insisted on in barr  
of

of the *universal* Pastorship, by their friends the *Eastern Church*: from whom; they in likelihood received the *Faith*; and with whom they were found at first in *Communion*, about the observation of *Easter* and *Baptism*; and in *practice*, differs from the Church of *Rome*.

Obj.

But one great point of practice is here pitcht upon by *Baronius*; and after him by *T. C.* It is the Popes *Confirmation* of the Election, *deposing* and *restoring* of *Patriarchs*: which they say he did, as *Head* and Prince of all the *Patriarchs*, and consequently of the whole Church.

Sol.

But where hath he done these strange feats? Certainly not in *England*: And we shall find the instances not many nor very early, any where else. But to each Branch.

Confirm.  
Patriarchs.

1. 'Tis urged, that the Popes *Confirmation* is required to all new elected *Patriarchs*.

Dr. Still.

Admit it; but the Arch-Bishop of *Paris*, *Petrus de Marca*, fully answers *Baronius* (and indeed every body else) that this was no token of *Jurisdiction*; but only of receiving into *Communion*; and as a Testimony of *Consent* to the Consecration. If any force be in this Argument, then the Bishop of *Carthage* had power over the Bishop of *Rome*; because he and other *African* Bishops, Confirm'd the Bishop of *Rome's* Ordination.

De conc. l. 6.  
c. 5. s. 2.

Cyp. Ep. 52.  
p. 75.

Ep. 38.

*Baronius* insists much upon the Confirmation of *Anatolius* by *Leo I.* which very instance answers it self. *Leo* himself tells us, that it was to manifest, that there was but one entire *Communion* among them throughout the World.

Yet it is not to be omitted, that the practice of the Church supposeth that the *Validity* of the



the *Patriarchs Consecration*, depended not upon the *Confirmation*, or indeed, *Consent* of the *Pope* of *Rome*. Yea though he did deny his *Communicatory* letters, that did not hinder them, from the *Execution* of their *Office*. Therefore *Flavianus* the *Patriarch* of *Antioch*; though opposed by three *Roman* *Bishops*, successively; who used all importunity with the *Emperor*; that he might be displaced; yet because the *Churches* of the *Orient*, did approve of him and *Communicate* with him, he was allowed; and their consent stood against the *Bishops* of *Rome*. At last, the *Bishop* of *Rome*, severely rebuked for his *Pride* by the *Emperor*, yielded; and his *Consent* was given only by renewing *Communion* with him. But where was the *Popes* power; either to make, or make void a *Patriarch*, while this was in *Practice*?

2. Doth *Practice* better prove the *Popes* power, to depose unworthy *Patriarchs*? The contrary is evident; for both before and after the *Council* of *Nice*; according to that *Council*, the practice of the *Church* placed the power of deposing *Patriarchs*, in *Provincial* *Councils*; and the *Pope* had it not, till the *Council* of *Sardica* decreed in the case of *Athanasius*; as *P. de Marca* abundantly proves: *Vid. de Concord. l. 7. c. 1. Sect. 6.* Also, that the *Council* of *Sardica* it self, did not (as is commonly said) decree Appeals to *Rome*; but only gave the *Bishop* of *Rome* power to review their *Actions*; but still reserving to *Provincial* *Councils*, that *Authority* which the *Nicene* *Council* had established them in.

But *T. C.* urgeth, that we read of no less than

F

eight

Obj.

eight several *Patriarchs* of *Constantinople* deposed by the *Bishop of Rome*.

Sol.

Where doth he read it? In an *Epistle* of *Pope Nicolaus* to the *Emperor Michael*. Well chosen faith *Doctor Still*. a *Popes Testimony* in his own Cause. And such a one, as was then in Controversie with the *Patriarch of Constantinople*, and so late too, as the *Ninth Century* is: when his power was much grown from the *Insancy* of it.

Yet, for all this, *this Pope* on such an occasion, and at that time, did not say, that the *Patriarchs* mention'd by him, were depos'd by the *Popes sole Authority*, but not *Ejected* (*Sine Consensu Romani Pontificis*) without his Consent: and his design was, only to shew that *Ignatius* the *Patriarch*, ought not to have been deposed without his Consent *v. Nic. 1. 8. Mich. Imp. Tom. 6. Con. p. 506.*

Obj.

Did not *Sixtus* the third depose *Policronius* *Bishop of Jerusalem*?

Sol.

No. He only sent eight Persons from a Synod at *Rome* to *Jerusalem*; who offered not, by the *Popes Authority*, to depose him, as should have have been proved: but by their means seventy *Neighbour Bishops*, were Called; by whom, he was deposed: besides *Binius* himself, Condemns those very acts, that report this story, for *Spurious*.

*Thm. 2.*

*Con. p. 685.*

Restoring  
Patriarchs.

3. But have we any better proof of the *Popes* power, to restore such as were deposed?

The only Instance in this Case, brought by *T. C.* is of *Athanasius* and *Paulus*, restored by *Julius*, and indeed to little purpose.

'Tis true, *Athanasius* Cndemned by two Synods, goes to *Rome*, where he and *Paulus*, are received

received into *Communion* by *Julius*; not liking the decree of the *Eastern Bishops*. *Julius* never pleads his *Power to depose Patriarchs*; but that his *consent* for the sake of *Unity*, should also have been *first* desired; and that so great a Matter in the Church, required a Council both of the *Eastern and Western Bishops*. *Vid. P. de Marca l. 7. c. 4. s. 6.*

But, saith *Dr. Stillingfleet*, when we consider, with what heat and stomach this was received by the *Eastern Bishops*; how they absolutely deny, that the *Western Bishops* had any more to do with their proceedings, than they had with theirs: When they say, that the Pope by this *Usurpation*, was the cause of all the mischief that followed: You see what an excellent instance you have made choice of, to prove the Popes power of *Restoring Bishops*, to be acknowledged by the whole Church. P. 401. Q<sup>a</sup>  
ac.

Sure, so far the Churches *practice* abroad, could not prevail to settle his right of Jurisdiction in the *English Faith*; especially, considering the *Practice* of our own Church, in opposing the Letters and *Legates* of Popes for six years together, for the *Restoring* of Arch-Bishop *Wilfred* by two of our own successive *Kings*; and the whole State of *England Ecclesiastical and Civil*; as appeared above.

Moreover *St. Cyprian* professeth in the Council of *Carthage*, *neque enim quisquam, &c.* for no one of us hath made himself *Bishop of Bishops*: or driven his *Fellow Bishops* to a necessity of *Obedience*: Particularly relating to *Stephen* then Bishop of *Rome*; as *Baronius* himself resolves. An. 258. n.  
24.

But upon a matter of Fact, *St. August.* gave his *St. August.*

own judgment, both of the Popes Power and Action in that known case of the *Donatists*. First, they had leave to be heard by *foreign* Bishops. 2. *Forti non debuit*, yet perhaps *Melciades*, the Bishop of the *Roman* Church, ought not to usurp to himself this Judgment which had been determined by *seventy African Bishops*, *Tigiscianus* sitting *Primate*. 3. *St. Augustine* proceeds, and what will you say, if he did not usurp this Power? For the *Emperor* (being desired) sent Bishops, Judges, which should sit with him, and determine what was just upon the whole cause: So that upon the whole, 'tis easily observed, that in *St. Augustines* judgment, both the *Right* and the *Power*, by which the Pope (as the rest) proceeded; was to be resolved to the *Emperor*, as a little before, *ad cuius curam*; to whose care it did chiefly belong; *de qua, rationem Deo redditurus est*, of which he was to give account to God. Could this consist with the belief of the Popes universal Pastorship by *Divine Right*? if there can possibly, after so clear evidence need more to be said of *St. Augustines* judgment in this; it is only to refer you to the Controversies between the *African Bishops*, and the Bishop of *Rome* in case of Appeals.

Vid. Dr.  
Ham. disp.  
p. 398. &c.  
& Still.  
Rationale.  
p. 405.

SECT.

## S E C T. VII.

*Not the Sayings of Ancient Popes, or Practice.* Agatho, Pelagius, Gregory, Victor.

**W**E can find nothing in the ancient *Canons*, or ancient *practice*, to ground a belief of the Popes Authority in England upon, yet sure *Popes* themselves claimed it; and used *Expressions* to let us know it. Popes claimed.

Were it so indeed, experience tells us how little Popes are to be believed in their own cause; and all reason persuades us not to believe them, against the *Councils* and *Practice* of the Church, and the judgment of the *Fathers*.

But some of the ancient Popes have been found so honest, as to confess against themselves; and acknowledge plain truth against their own greatness.

The Popes universal headship, is not to be believed from the words of Pope Agatho, in his Letter to the Emperor; where St. Paul stands as high as St. Peter, οἱ πῶν Ἀποστόλων κεφαλῆς, both are said by him to be heads or chief of the Apostles: Besides he expressly claimed only the Western Patriarchate. Agatha. Con. To. 2. p. 61. B.

But Pope Pelagius the Second, is more plain and home, to Rome it self. *Nec etiam Romanus Pontifex universalis est appellandus*, the Pope of Rome is not to be called universal Bishop: This was the opinion of that Pope of Rome himself, as it is cited out of his Epistle, and put into the Pelagius. Decret. p. 1. dif. 99. n. 10.



Body of the *Law* by *Gratian* : now, one would think, that the same *Law* denied the *Power*, that denied the *Title* properly expressing that *Power*.

How triflingly doth *S. W.* object : these words are not found in the *Council of Carthage*, while they are found in the *Corpus Juris* ; the *Law*, now of as much force at *Rome* as that *Council*.

'Tis weaker to say, they are *Gratians* own *Addition*, seeing his *Addition* is now *Law* ; and also proved to be the Sense of the *Pope Pelagius* : in his *Epistle*, he saith, let none of the *Patriarchs* ever use the name of *Universal*, applying in the conclusion to himself, being then *Pope*, as one of that *Number* ; and so, if he were either *Pontifex Maximus*, or a *Patriarch*, and neither himself nor any *Patriarch* might be called *Universalis* ; then sure nothing was added by him, that said in his *Title* to the fourth Chapter as *Gratian* did ; *Nec etiam Pontifex*, not even the *Bishop of Rome* must be called *Universal Bishop*.

Dr. Ham.  
disp. disp.  
p. 418,  
419.

Gregory.

But what shall be said to *Saint Gregory* : who, in his *Epistle* to *Eulogius*, *Bishop of Alexandria*, tells him, that he had prohibited him to call him *Universal Father* ; that he was not to do it ; that reason required the contrary ; that it's derogatory to his Brethren ; that this honour had, by a *Council*, that of *Calcedon*, been offered to his *Predecessors*, but refused, and never used by any.

Epif. ex  
Reg. l. 8. in-  
dic. l. c. 30.  
c. 4. ind.  
13. c. 72 &  
76.

L. 7. Ep. 30.

Again, higher, he tells *Mauritius*, *fidenter dico*, who ever calls himself *Universal Priest*, or desires to be so called ; is by his pride, a *Forerunner*.

runner of *Antichrist*; his pride is an Indication of *Antichrist* approaching: as he saith to the *Empress*, l. 4. Ep. 34. Yea, an Imitation of none but the *Devil*; endeavouring to break out to the top of *Singularity*; as he saith, to *John* himself: yea, elsewhere, he calls this *Title*, the name of *Blasphemy*; and saith, that, those that consent to it do, *fidem perdere*, destroy the Faith.

Lib. 4, Ep. 38.

Ibid. Ep. 32 & 40,

A strong *Title*, that neither *Saint Gregory*, nor, as he saith, any one of his *Predecessors*; no *Pope*, that went before him, would ever accept of: and herein, saith he, *I plead not my own cause, but the cause of God, of the whole Church, of the Laws, the Venerable Councils, the Commands of Christ*; which are all disturbed with the invention of this proud pomparick stile of *Universal Bishop*.

Ibid. Ep. 32.

Now, can any one imagine, except one prejudiced, as S. W. that the *Power* is harmless, when the *Title* that doth barely express it, is so devilish a thing? Can any one imagine, that *Saint Gregory* knew himself to be that indeed, which in *Word* he so much abominates? or that he really exercised that *Universal Authority*, and *Universal Bishoprick*; though, he so prodigiously lets flie against the Stile of *Universal Bishop*? yet all this is said, and must be maintained, lest we should exclude the *Universal Pastors*hip out of the *Primitive Church*.

There is a great deal of pitiful stuff used by the *Romanist*, upon this Argument; with which I shall not trouble the Reader, yet nothing shall be omitted that hath any shew of Argument on their Side: among which the words of *Saint*

Gregory following in his Argument, are most material.

Object.

Saint Gregory saith, the care of the whole Church was by Christ committed to the chief of the Apostles, Saint Peter; and yet he is not called the Universal Bishop.

Sol.

'Tis confessed that Saint Gregory doth say that the care of the whole is committed to Saint Peter: again, that he was the Prince of the Apostles; and yet he was not called Universal Apostle: 'tis hence plain, that his being Prince of the Apostles, did not carry in it so much as Universal Bishop: otherwise, Saint Gregory would not have given the one, and denied him the other; and 'tis as plain, that he had the care of all Churches, and so had Saint Paul; but 'tis not plain, that he had Power over all Churches.

Ex Reg. lib.  
11. Ep. 54.

Doctor Hammond proceeds irresistibly to prove the contrary from Saint Gregory himself in the Novels: if any Complaint be made, saith he, against a Bishop, the Cause shall be judged before the Metropolitan, *Secundum Regulas Sanctas & Nostras Leges*; if the Party stand not to his Judgment, the Cause is to be brought to the Arch-Bishop or Patriarch of that Diocese; and he shall give it a Conclusion, according to the Canons and Laws afore said; no place left for Appeal to Rome.

Object.

Yet it must be acknowledged, Saint Gregory adds, *si dictum fuerit &c.* where there is no Metropolitan nor Patriarch; the Cause may be heard by the Apostolick See, which Gregory calls the Head of all Churches.

Sol.  
32.

Now, if this be allowed, what hath the Pope gained

gained, if perhaps such a Church should be found, as hath neither P<sup>r</sup>imate nor *Patriarch*? how is he the nearer to the *Universal Authority* over those Churches that have *Primates* of their own; or which way will he by this means extend his Jurisdiction to us in *England*, who have ever had more than one *Metropolitane*? the Arch-Bishop of *Canterbury* was once acknowledged by a *Pope* to be *Alterius Orbis Apostolicus & Patriarch*.

But admitting this extraordinary Case; that where there is neither *Metropolitan* nor *Patriarch* there, they are to have recourse to the *See Apostolick*: 'tis a greater wonder that the *Romanist* should insist upon it, then that his late (*Grace*) should mention it; at which *A.C.* so much admires: for this one observation with the assistance of that known Rule in Law (*exceptio confirmat Regulam in non exceptis*) puts a plain and speedy end to the whole Controversie: for if recourse may be had to *Rome*, from no other place, but where there is neither *Priate* nor *Patriarch*; then not from *England*, either when *Saint Gregory* laid down the Rule, or ever since, and perhaps then from no other place in the World; and indeed provision was thus made against any such extraordinary Case that might possibly happen; for it is but reason, that, where there is no *Priate* to appeal to, appeal should be received somewhere else; and where better, than at *Rome*, which *Saint Gregory* calls *Caput omnium Ecclesiarum*? and this is the utmost advantage, the *Romanist* can hope to receive from the Words.

But we see *Saint Gregory* calls *Rome* the Head Object of all Churches.

'Tis

Sol.

'Tis true, whether he intends a *Primacy*, of *Fame* or visible *Splendor* and *Dignity*, being the *Seat* of the *Emperor*, or *Order* and *Unity*, is not certain? but 'tis certain, he intends nothing less by it, than, that which just now he denied; a *Supremacy* of *Power* and *Universal ordinary Jurisdiction*; he having, in the words immediately fore-going, concluded all *ordinary Jurisdiction* within every proper *Primacy* or *Patriarchate*.

Object.

But saith *S. W.* Saint *Gregory* practised the thing, though he denied the *Word* of *Universal*.

Sol.

What *Hypocrisie*! damn the *Title* as he doth, and yet practise the thing! you must have good proof.

Vid. Ep.  
65. l. 7.

His first Instance, is of the *Primate* of *Byzantine*; wherein the *Emperor* first put forth his *Authority*, and would have him judged by *Gregory*: *Piissimus Imperator eum per nos voluit judicari*, saith *Gregory*: Hence, as *Doctor Hammond* smartly and soundly observes, that *Appeals* from a *Primate*, lie to none but the *Supreme Magistrate*.

Ep. l. 3.  
Ep. 20.

To which purpose, in the Cause of *Maximus* Bishop of *Solana*, decreed excommunicate, by *Gregory*; his Sentence was still with this reserve and submission, *nisi prius*: unless I should first understand by my most *Serene Lords* (the *Emperors*) that they commanded it to be done.

Thus, if this perfect instance (as *S. W.* calls it) have any force in it; his Cause is gone, whatever advantage he pretends to gain by it.

Besides, the *Emperors* Command was, that *Gregory* should judge him, *juxta Statuta Canonica*.



*nica*; and Gregory himself pleads, *quicquid esset Canonem Judicarem.*

Thus S.W.'s Cause is killed twice by his own perfect instance: for if Saint Gregory took the Judgment upon him in obedience to the Emperor; and did proceed, and was to proceed in judging, according to the *Canons*; where was then the *Universal Monarchy*?

Yet, it is confessed by Dr. Hammond, which is a full answer to all the other, (not so perfect instances) that in case of injury done to any by a *Primate* or *Patriarch*, (there being no lawful Superior, who had power over him) the injured person sometimes, made his complaint to the *Pope*, as being the most *Eminent* Person in the Church; and in such case, he questionless might and ought, in all *fraternal* Charity, admonish the *Primate* or *Patriarch*, or disclaim *Communion* with him, unless he reform.

But it ought to be shewn that Gregory did formally excommunicate any such *Primate* or *Patriarch*; or *juridically* and authoritatively act, in any such Cause, without the express license of the *Emperor*, which not being done, his instances are answered: besides, Saint Gregory always pleads the *Ancient Canons*; which is far from any claim of *Universal Pastorship* by *Divine Right*, or *Donation* of Christ to Saint Peter. I appeal (saith Doctor Hammond) to S.W. whether that were the *Interpretation* of *secundum Canones*; and yet, he knows, that no other *Tenure* but that, will stand him in stead.

Indeed, the unhappiness is, as the Doctor observes, that such Acts at first, but necessary *Vid. dissat. disp. 408.*  
fraternal to 1423.

fraternal charity were by *ambitious* men drawn into *example*, and means of assuming power of *Universal Pastorship*; which yet cannot be more vehemently prejudiced by any thing, than by those *Ancient examples*, which being rightly considered, pretend no higher than *Ecclesiastical Canons*, and the *Universal Laws of Charity*; but never made claim to any *Supremacy* of power over all Bishops, by *Divine Institution*.

It yet appears not that Saint *Gregory* practised the thing, but to avoid *Arrogance* disclaims the name of *Universal Bishop*.

*A. C.* against my *Lord of Canterbury*, goes another way to work: he grants the *Title*; and also the thing signified by it, to be both renounced by Saint *Gregory*; but distinguishes of the Term *Universal Bishop*, into *Grammatical*, to the exclusion of all other Bishops, from being properly Bishops; and *Metaphorical*, whereby the Bishops are secured, as such, in their respective *Diocesses*; yet all of them under the Jurisdiction of the *Universal Bishop*, viz. of *Rome*.

Sol.

Lib. 4. Ep.

32.

This distinction, Doctor *Stillfleet* destroys, not more elaborately than fully and perfectly: shewing, that, 1. 'tis impossible Saint *Gregory* should understand the Term of *Universal Bishop* in that strict *Grammatical* Sense: for the reason, why this *Title* was refused, was because it seemed to diminish the *honour* of other Bishops, when it was offered the Bishops of *Rome* in a *Council* of *six hundred and thirty Bishops*; who cannot be imagined to divest themselves, by their kindness, of their very *Office*; though they hazarded somewhat of their *honour*. Can

we

we think the *Council*, that gave the same *Title* to *John*, intended thus to *depose* themselves? how comes it to pass that none of *John's* or *Ciriacus's* *Successors*, did ever challenge this *Title*, in that *literal* sence, if so it was understood.

But to wave many things impertinent; 'tis evident, *Saint Gregory* understood the *Title* *Metaphorically*, from the reasons he gives against it; which also *equally* serve to prove against *S. W.* that it was not so much the *Title* as the *Authority* of an *Universal Bishop*, which he so much opposed.

He argueth thus to *John* the Patriarch: What wilt thou answer to Christ the Head of the *U-* Lib. 4. Ep: 38.  
*niversal Church* in the day of Judgment, who doest endeavour to subject all his Members to thee; under the name of *Universal Bishop*?

Again, doth he not arise to the height of *Singular* *libid.*  
*larity*, that he is Subject to none, but Rules over all? and can you have a more perfect description of the present *Pope*, than is here given? or is it the *Title* or the *Power*, that makes him Subject to none, that Rules over all?

Again, he imitates the pride of *Lucifer*, en- *libid.*  
 deavouring to be *Head* (not sure, in *Title*, but *Power*) of the *Church Triumphant*; as the *Pope* of the *Church Militant*: Exalting his *Throne*, *libid.*  
 (not his *Name*) as *Gregory* adds, above the *Stars* of *God*, viz. the *Bishops*, and the height of the *Clouds*.

Again, *Saint Peter* was the first *Member* of the *Church*: *Paul*, *Andrew*, and *John*, what are they else but *Heads* of particular *Churches*; and yet they are all *Members* of the *Church* under

der one Head, i. e. Christ; as before he had said: we see he allows not *Peter* himself to be Head of the Church. None that was truly Holy, was ever called by that name of Universal Bishop: which he makes to be the same with the head of the Church.

But Lastly, suppose St. Gregory did mean, that this Title in its strict grammatical sence, was to be abhorred, and not as Metaphorically taken. What hath the Pope gained? who at this day bears that Title in the highest and strictest sence imaginable? as the Dr. proves; and indeed needs no proof, being evident of it self, and to the observation of the whole world. Thus all the hard words of St. Gregory uttered so long ago, against such as admitted or desired that Title, unavoidably fall upon the Modern Roman Bishops, that take upon them to be the sole Pastors of the Church; and say that they are Oecumenical Bishops, and that all Jurisdiction is derived from them: They are *Lucifers* and *Princes of Pride*; using a vain, new, rash, foolish, proud, profane, erroneous, wicked, hypocritical, singular, presumptuous, blasphemous Name; as that holy Pope inveighed against it. Moreover, as he also adds, they transgress Gods Laws, violate the Canons, dishonour the Church, despise their Brethren, and cause Schism. *Istud nomen facere in discessionem Ecclesia.*

L. 6. ep. 30,  
31.

Obj.

But it is said, that Pope Victor excommunicated the Asian Churches all at once: Therefore, saith A. C. the Pope had of right some Authority over the Asian Bishops; and by consequence over the whole Church; And this appears in that, *Irenaeus* in the name of the Gallican Bishops, writes



writes to *Victor* not to proceed so rashly in this Action: as appears in *Eusebius*.

1. We answer, that those *Bishops*, among whom *Irenaeus* was one, did severely rebuke that Pope for offering to excommunicate those *Asian* Churches: Therefore they did not believe him to be the *Supreme, Infallible Pastor* of the whole Church.

Sol.

Vid. *Eus. l. 5. c. 24.*

2. His *Letters* declaring that Excommunication, not pleasing all his own *Bishops*, they countermanded him: Surely not thinking him to be what *Popes* would now be esteemed.

Ibid.

3. Hence *Card. Perron* is angry with *Eusebius*, and calls him an *Arrian*; and an enemy to the Church of *Rome*; for hinting, that though the Pope did declare them excommunicate, yet it took no effect, because other *Bishops* continued still in *Communion* with them.

4. But the force of the whole Argument leans upon a plain mistake, of the *Ancient Discipline*, both in the *Nature* and the *Root* or *Ground* of it.

For the nature of *Ancient Excommunication*, especially when practised by one Church against another, did not imply a *Positive Act* of Authority, but a *Negative Act* of Charity; or a declaring against the *Communion* of such with themselves: And therefore was done by *Equals* to *Equals*; and sometimes by *Inferiors* to *Superiors*. In *Equals*; thus *Johannes Antiochenus* in the *Ephesine Council*, excommunicated *Cyril*, Patriarch of *Alexandria*; and in *Inferiors* (in the sense of our *Roman Adversaries*) for the *African Bishops* excommunicated *Pope Vigilins*: Hence; also, *Acacius* the *Patriarch* of *Const.* expunged the Name

Mistake of the nature. Root of Discipline

Vid. *T. n. c. 10.*



Name of *Felix* Bishop of *Rome*; out of the *Discricks* of the Church: And *Hilary* anethamati-  
zed *Pope Liberius*, therefore *Victors* declaring  
the *Asian* Churches to be excommunicate, is no  
argument of his power over them.

2. The *Root* or *Ground* of the ancient *Disci-  
pline*, is also as plainly mistaken, which was not  
*Authority* always, but *Care* and *Charity*. Care,  
I say, not only of themselves who used it, but  
also of the *Church* that was censured, and in-  
deed of the whole Church.

'Tis here proper to consider, that though  
*Bishops* had their *peculiar* Seats, and *Limits* for  
their Jurisdictions; yet they had all a *charitive* in-  
spection and *care* of that *universal* Church, and  
sometimes *denominations* accordingly.

Hence we deny not that the ancient *Bishops*  
of *Rome* deservedly gained the Title of *Oecum-  
menical Bishops*, a thing of so great moment in  
the Controversie, that if well considered, might  
advance very far towards the ending of it: For  
so the Title hath been given to *others*, as well as  
the Bishop of *Rome*; and therefore, it could  
not argue any *Authority peculiar* to him. Also  
the same *universal care* of the Church (the occa-  
sion of the Title) hath been acknowledged in  
*others* as well as in him; and indeed the power,  
which is the *Root* of that *Care*, as the occasion of  
that Title, is founded in all *Bishops*.

§ Notes.

Here are three things noted, which may be  
distinctly considered.

1. *Power* is given to all *Bishops* with an im-  
mediate respect to the good of the whole Church:  
So that if it were possible, that every *particular*  
Bishop could take care of the whole Church,  
they

they have *Authority* enough in their *Function* to do it; though it be *impossible*, and indeed *inconsistent* with peace and order, that all should undertake it: And therefore they have their bounds and *limits* set them; hence their particular *Diocesses*: therefore, as *St. Cyprian*, there is but one *Bishoprick* in the whole *World*; a part of which is held by every *Bishop*.

2. Thus we find in the *primitive Church*, that every *Bishop* had his particular *Charge*; yet they still regarded the *common good*; extending their care (the second thing observed) sometimes beyond their own *division*, by their *council* and *direction*; yea and exercised their *functions* sometimes in other places: Of which *Dr. Stillingfleet* *Rat. ac. p. 424, 425.* gives many instances in *Polycarp*, *Ignatius*, *Irenaeus*, *St. Cyprian*, *Faustus*.

Yea upon this very ground, *Nazianzen* saith of *St. Cyprian*, that he not only governed the Churches of *Carthage*, but all the *Western* parts; and even almost all the *Eastern*, *Southern*, and *Northern* too, as far as he went. *Or. 18. p. 281.*

*Arsenius* speaks more home to *Athanasius*; *Atha. ap. ad We embrace (saith he) Peace and Unity with the Imp. Const. p. 786, &c.* *Catholick Church*, over which, *Thou*, through the *Grace of God*, dost *preside*. Whence *Gregory Naz. saith of Athanasius*, that he made *Laws* for the whole *Earth*: And *St. Basil* writes to him, *Or. 21. p. 392.* that he had care of all the Churches as of his own; and calls him the *Head* and *Chief* of all. *Ep. 52.*

And *St. Chrysostom* in the praise of *Eustathius*, the Patriarch of *Antioch*, saith, that he was instructed by the *divine Spirit*; that he was not only to have care of that Church over which he was set, but of the whole Church throughout the world. *Tom. 5. p. 631. Savil.*

Now what is this but to say in effect, these great men were *universal* Bishops; though indeed, they, none of them, had power of Jurisdiction over any Church but their own; as, notwithstanding the general care of the ancient good Bishops of *Rome*, had of the good of the whole, (and their Influence and Reverence in order thereunto) the Bishops of *Rome* had not.

3. Upon the former ground and occasion, some Bishops in the most famous Churches, had the honour of the Title of *Oecumenical* or *Universal* Bishops.

But here we must confess, the Bishops of *Rome* had the advantage, being the most famous of all; both by reason of their own primitive merit, and the glory of the Empire, especially the latter.

The *Roman Empire* was it self accounted *universal*; and the greatness of the *Empire* advanced the *Church* to the same Title; and consequently the Bishops of that Church, above others.

1. That the *Roman Empire* was so, appears by a multitude of Testimonies making *orbis Romanus* & *orbis humanus*, Synonymous; collected by Dr. Still. Hence *Am. Marcellinus* calls *Rome*, *Caput Mundi*, the head of the World. And the *Roman Senate*, *Ashlum Mundi totius*. And it was usual then to call, whatever was out of the *Roman Empire*, *Barbaria*; as the same Dr. proves at large: Therefore that *Empire* was called in *Greek*  $\eta \delta \iota \kappa \alpha \mu \epsilon \nu \eta$ . *Act.* 11. 28.

2. Some Bishops in the great Churches in the *Roman Empire*, were called *Oecumenical*, as that relates

relates to the ἡ δὲ Ῥώμη, viz. the Roman Empire. This appears because the very ground of the advancement of the Patriarch of Constantinople, was the greatness of the City; as appears in the Councils of Constantinople and Calcedon about it; and the priviledges of old Rome gave the measure of the priviledges of new Rome.

And in probability, the ground of that Patriarch's usurping the Title of Oecumenical Patriarch, was but to correspond with the greatness of his City; which was then the Seat of the Empire, as Dr. Stillingfleet very reasonably Conjectures.

P. 425.

Moreover, all the three Patriarchs of Alexandria, Antioch, and Constantinople, had expressions given them tantamount to that Title: The government of the whole World, the care of all the Churches, the government as it were of the whole body of the Church: as Dr. Stillingfleet particularly shews. But most clear and full to that purpose, as he observes, is the Testimony of Theodoret concerning Nestorius, being made Patriarch of Constantinople: He was intrusted with the Government of the Catholick Church of the Orthodox at Constantinople; and thereby, of the whole World.

R. ac. p. 426.

Theod. Her.  
fab. l. 4. c.  
14. p. 245.  
To. 4. oper.

Where shall we find so illustrious a Testimony for the Bishop of Rome? or if we could, we see it would prove nothing peculiar to him.

Therefore, if the Council of Calcedon did offer the Title of universal Patriarch; or if they did not, but as the truth rather is, some Papers received in that Council, did give him that Title, it signifieth nothing to prove the Popes universal Authority.

*Comento.*  
*ad Ref. Syn.*  
*Conc. Bas.p.*  
 36.

Therefore, *Sim. Vigorius* ingeniously confesseth, that when the *Western Fathers* call the *Roman Bishops*, Bishops of the *universal Church*, they do it from the custom of their Churches; not that they look on them as *universal Bishops* of the whole Church; but in the same sence, that the *Patriarchs* of *Constantinople*, *Amioch*, *Alexandria*, *Jerusalem*, are called so; or as they are *universal* over the Churches, under their own *Patriarchate*; or that in *Oecumenical Councils*, they *preside* over the whole Church: and after acknowledgeth, that the *Title* of *universal* or *oecumenical Bishop*, makes nothing for the *Popes Monarchy*.

It is too evident, that that humble Pope *Gregory* seems to glorifie himself, while he so often mentions that offer of the *Title* of *Universal*; and his refusing of it, and inveighing against it; and that these were *Engines* used by him to deprive others of the same *Title*, if not to advance his own *See* to the power signified by it; though if he did indeed design any such thing, it is an argument that he was ashamed openly to claim or own it, while he rails against the *Title*, in the effects of it, which depended upon the power it self, as such an *abominable* thing.

However, if the *Council* of *Calcedon* did indeed offer, (or only record) that *Title* to *Gregory*, it is more than manifest, it could not possibly be intended to carry in it the *Authority* of the whole Church; or any more than that *qualified* sence of *Vigorius* before mentioned; because other *Patriarchs* had the same *Title*; and we see no reason to believe, that that *Council* intended to subject themselves, and all *Patriarchs*



to the Authority of the *Western Pope*; contrary to their great *design* of advancing the *See* of *Constantinople* to equal *priviledges* with that of *Rome*, as appears by their 16 *Sess. Can.* 28. and their *Synodical Epistle* to *Pope Leo*.

Thus the bare *Title* is no *Argument*; and by what hath been said touching the *grandure* of the *Roman Empire*, and the answerable greatness and renown of the *Roman Church*, frequent recourse had unto it from other Churches, for counsel and assistance; is of no more force to conclude her *Supremacy*, nor any matter of wonder at all.

Experience teacheth us that it is and will be so in all cases: not only a renowned *Lawyer*, *Physician*, but *Divine*, shall have great resort, and almost *universal* addresses. An honest and prudent Countryman shall be upon all *Commissions*: the Church of *Rome* was then famous both for *Learning*, *Wisdom*, *Truth*, *Piety*, and I may add *Tradition* it self as well as greatness both, in the eye of the world and all other Churches; and her *Zeal* and care for general good, keeping peace and spreading the grace of the Gospel, was sometimes admirable. And now no wonder that *Applications* in difficult cases were frequently and generally made hither, which at first were received and answered with *Love* and *Charity*, though soon after, the *Ambition* of *Popes* knew how to advance, and hence to assume *Authority*.

From this, we see, it was no great venture, how ever *A. C.* Term it, for Arch-Bishop *Iren.* l. 3. c. 3. *Laod* to grapple with the Authority of *Irenaeus*: who saith, to this Church, meaning *Rome*, *propter potentiorē Principalitatem*, for the more

powerful Principality of it, 'tis necessary that every Church, that is the faithful, *undique*, should have recourse, *in qua semper ab his qui sunt undique, conservata est ea qua est ab Apostolica traditio.*

His Lordship seems to grant the whole: *Rome* being then the *Imperial City*; and so a Church of more powerful *Authority* than any other: yet not the *Head* of the Church *Universal*; this may suffice without the pleasant criticizing about *undique*, with which, if you have a mind to be merry, you may entertain your self in Dr. Still. p. 441. &c.

But, indeed *A.C.* is guilty of many Mistakes in reasoning, as well as criticizing: he takes it for granted, that this *Principality* is attributed by *Irenaeus* here to *Rome*, as the Church, not as the *City*. 2. That the necessity, arising hence, was concerning the *Faith*, and not *secular Affairs*; neither of which, is certain, or in likelihood *true*, *vid.* Dr. Still. p. 444.

Besides, if both were granted, the necessity is not such as supposeth *Duty* or *Authority* in the faithful, or in *Rome*; but as the sense makes evident, a necessity of *expedience*, *Rome* being most likely to give satisfaction touching that *Tradition* about which that dispute was.

Lastly, the *Principality* here implies not *proper Authority*, or *Power to decide* the Controversie; one kind of *Authority* it doth imply, but not such as *A.C.* enquired for: not the *Authority* of a Governor, but of a *Conservator*; of a *Conservator* of that *Truth*, that being made known by her, might reasonably end the quarrel; not of an absolute Governour, that

that might *command* the Faith, or the Agreement of the Dissenters. This is evident: 1. Because the Dispute was about a matter of *Fact*, whether there was any such Tradition or not, as the *Valentinians* pretended. 2. Because *Irenaeus* refers them to *Rome* under this reason, *conservata est*, the *Apostolical Traditions* are kept there; being brought by the faithful *undique* thither: and therefore, brought thither, because of the more *Principality* of the *City*, all persons resorted thither.

Lastly, It is acknowledged that *Pope Gregory* doth say; that, if there be any fault in *Bishops*, it is subject to the *Apostolical See*; but when their fault doth not exact it, that then, upon the account of *Humility*, all were his *Equals*. Obj. Eph. 65. ind. 2.

Indeed, this smells of his ambition and *design* before spoken of; but if there be any *truth* in it, it must agree with the *Canon* *Saint Gregory* himself records; and suppose the faulty *Bishop* hath no proper *Primate* or *Patriarch* to judge him: also, with the proceeding then before him; and suppose Complaint to the *Emperor*; and the *Emperor's* subjecting the Cause to the *Apostolical See*; as that Cause was by *Saint Gregory's* own Confession. Sol.

However, what he seems here to assume to his own *See*, he blows away with the same breath; denying any *ordinary Jurisdiction* and Authority to be in that *See*, over all *Bishops*, while he supposes a *fault necessary* to their *subjection*; and that, while there is no fault, all are *equall*: which is not true, where, by a lawful standing *ordinary Government* there is an *eternal necessity* of *Superiority* and *Inferiority*.

But of this, I had spoken *before*, had I thought (as I yet do not) that there is any weight or consequence in the words.

Further Evidence, that the Ancient Popes themselves, though they might thirst after it; did not *believe*, that they were *Universal* Bishops and Monarks over the whole Church; and that they did not *pretend* to it in any such manner, as to make the World *believe* it; I say, further evidence of this, ariseth from their acknowledged subjection to the *Civil* Magistrate in *Ecclesiastical* Affairs.

Pope *Leo* begged the Emperor *Theodosius* with tears; that he, *ἄγε κελύξει*, that he would Command (not permit) a *Council* to be held in *Italy*: that sure was not to signifie his *Authoritative* desires.

That Instance of Pope *Agatho*, in his Epistle to the Emperor, is as pertinent as the former; *συν ἐπαινω, &c.* with praise we admire your purpose well pleasing to God (not to the Pope) and for these Commands of yours we are rejoiced, and with groans, give thanks to God; and many such, Doctor *Hammond* saith, might be afforded.

Conc. Tom.  
5. p. 60. E.  
F.

Pope *Gregory* received the power of hearing and determining *Causes* several times, as he himself *confesseth*, from the Emperor; as we shewed before.

Hence Pope *Eleutherius*, to King *Lucius*: you are the Vicar of Christ: the same in effect which is contained in the Laws of *Edward* the Confessor.

And Pope *Urban* the Second, entertained our Arch-bishop *Anselm* in the Council of *Bar*, with the Title of the Pope of another World,

or (as some relate it) the *Apostle* of another World, and a *Patriarch* worthy to be revered. *Malm. pro. ad lib. de gest. pont. Angl.*

Now, when the Bishops of *Rome* did acknowledge that the *Civil Magistrate* had power to command the assembling of general Councils, and to command *Popes* themselves to hear and determine *Ecclesiastical* Causes: when they acknowledged the *King of England* to be the *Vicar* of Christ; and the *Arch-Bishop of Canterbury*, *Pope* of another World: we may, I think, safely conclude, that whatever they thought of the *Primacy* of dignity, they did not believe themselves; or, give occasion to others, to believe; that they had then, the Jurisdiction of *England*; much less of the whole *World*.

Indeed, the Powers of *Emperors* over *Popes*, *Vid. King* was exercised severely; and continued long *James's* in practice, *an. 654. Constantine* bound and banished *Pope Martin. an. 963. Otho* rejected *defence, p. 50.* *Pope John 13.* and made *Leo 8. Pope.* and *John 14. Gregory 5. and Sylvester 2.* were made *Popes* by the *Otho's. an. 1007. Hen. 2.* deposed three *Popes*: this practice is confessed till *Gregory 7.* and before *An. 679. Popes* submitted to *Emperors* by purchasing their *Investitures* of them; by *submissive* terms, and bowing the knee before them, *Platin. Baron. Segeb.*



## S E C T. VIII.

*Nor the Words of the Imperial Law,*

**I**F the Ancient Councils, or practice, or Popes themselves, offered nothing to perswade our Ancestors to a belief of the Pope's Universal Power or Possession of England; Certainly, we may despair of finding any such thing in the Ancient Laws of the Church; which are justly presumed to contain the Sense and Rule of all: were all other Records of Antiquity silent, saith our late Primate, the Civil Law is proof enough: for, that's a Monument of the Primitive Church: and not only so; it being the Imperial, as well as Canon Law, it gives us the reason and Law both of the Church and the whole World.

Now, what saith the Law? it first forbids the Title, and then the Practice.

*Cor. Jur.* *Primæ sedis Apostolus*, the Patriarch or Bishop of the first See, is not to be called Prince of the Priests, or Supreme Priest; nor, as the African Canon adds, *aliquid hujusmodi*, any other thing of that kind.

*Can. de pa.*  
*1. dist. 99.*  
*c. 3.*  
*Can. 4.*

The practice of any such Power was expressly forbidden; and not the proud Title only: the very Text of the Law saith, *à Patriarcha non datur Appellatio*: from a Patriarch there lies no Appeal, *Cod. lib. 1. Tit. 4. l. 29. Auth. Collat. 9. Tit. 15. c. 22.*

And this we have found agreeable to the Melivetan Council, where Saint Augustine was present, forbidding under pain of Excommunication

*Can. 23.*

*cation*

cation, any *Appeal* to any *Foreign Councils* or *Judicatures*: and this is again Consonant to the *fifth Canon* of *Nice*; as that was to the *thirty fourth Apostolick*, where the *Primate* in every *Nation* is to be accounted their *Head*.

Now what do our *Adversaries* say to this? Indeed, they seem to be put to it; and though their *Wits* are very pregnant to deliver many *Answers*, such as they be, in most *Cases*, they all seem to joyn in one poor slight *Evasi- on* here; namely, that the *Laws* concerning *Appeals*, did only concern *inferiour* *Clergy-men*: but *Bishops* were allowed to appeal to *Rome*; even by the *African Canon*, and acknowledged in that *Councils* *Epistle* to *Pope Boniface*.

Three bold Sayings: first, that the *Law* concerned not the *Appeals* of *Bishops*. 2. The *Council* of *Africa* decreed *Bishops* *Appeals* to *Rome*. 3. And acknowledged it in their *Letter* to *Pope Boniface*: but are these things, as truly, as boldly said? for the first which is their *Comment*, whereby they would restrain the sense of the *Laws*, to the exclusion of the *Bishops*, we shall consider their *ground* for it; and then propose our *reason*, and the *Law* expressly against it, and then their *Reasons* will need little answer.

They say, the *Law* reacheth not the difference between *Patriarchs* themselves. Object.

But if there should happen a difference betwixt a *Patriarch* and the *Pope*, who shall decide that? both these inconveniences are plainly solved by referring all such extraordinary difficulties to a *General Council*. Sol.

But why should the *Law* allow *Forreign Appeals*

*Celeſtine*  
necceſſity of  
Grace. Mi-  
ſtro. Con.

peals to *Bishops* and not to *Priests*? Are all *Bishops* *Patriarchs*? is not a *Patriarch* over his *Bishops*, as well as a *Bishop* over his *Priests*? may not the *Gravamen* of a *Priest* be given by his *Bishop*? or the difference among *Priests*, be as considerable to the Church, sometimes as among *Bishops*? or hath not the *universal* Pastor if the Pope be so, power over and care of *Priests*, as well as *Bishops*? or can the *Summum imperium* receive limits from Canon or Law? to say, that *Priests* are forbidden to appeal, but the Pope is not forbidden to receive their Appeals, is plainly to cripple the Law, and to make it yield to all the inconveniences of foreign appeals against its true end.

Can. 28.

But what if this very Canon, they pretend to allow Appeals from *Bishops* to *Rome*, do expressly forbid that very thing it is brought to allow? and it doth so undeniably, as appears in the Authentick Collection of the *African* Canons, *non provocent adtransmarina Judicia, sed ad primates suarum Provinciarum, aut ad universali Concilium, sicut de Episcopis saepe constitutum est.* The same thing had often been determined in the case of *Bishops*.

Obj.

*Perron*, and others say, this clause was not in the ancient *Milevetan* Canons.

Sol.

Have they nothing else but this groundless conceit to support their *universal* Pastorship against express Law, for four hundred years after Christ? Sure it behoved highly to produce a true Authentick Copy of those Canons, wherein that clause is omitted; which because they do not, we conclude they cannot.

However it is manifest, that the same thing against

against appeals of *Bishops* to *Rome*, had been often determined, by far greater Testimony than the bare assertion of *Perron* and his Partners, viz. that general Council of *Carthage*, An. D. 419. about three years after that *Milevetan*; at the end of the first Session, they reviewed the *Canons* of the seventeen lesser Councils, which *Justellus* mentions; and wherein, no doubt, that point had been often determined; and out of them all composed that *Codex canonum Ecclesie Africanae*, with that clause inserted, as appears both in the *Greek* and many ancient *latine* Copies; and was so received and pleaded by the Council of *Rhemes*, as *Hincmarus* proves as well as others.

*Gratius* confesseth it; but adds this *Antidote*, *Nisi forte Romanam Sedem appellaverit. i. e.* None shall appeal to *Rome* (the main design of the Council) except they do appeal to *Rome*; not expounding the Canon, but exposing himself and that excellent Council.

But *A. C.* urgeth the *Epistle* of that Council to *Boniface*, as was before noted; and thence proves that the Council acknowledged, that *Bishops* had power in their own cause to appeal to *Rome*.

'Tis true, they do say, that in a Letter written a year before to *Zosimus*, they had granted liberty to *Bishops* to appeal to *Rome*. This is true, but scarce honest; the next words in the Letter spoil the Argument and the sport too; for they further say, that because the Pope contended that the appeals of *Bishops* were contained in the *Nicene* Canons, they were contented to yield that it should be so, till the true Canons were produced.

Now

Now what can the Reader desire, to put an eternal end to this Controversie, and consequently to the claim of the *universal* Pastor in this Age; but an account of the Judgment of this *Council*, when they had received the Copy of the *Nicene* Canons (on which the point depended) out of the East.

R. ac. p. 410,  
411.

This you have in that excellent *Epistle* of theirs to *Pope Celestine*, who succeeded *Boniface*, and the elaborate *Dr. Scillingfleet*, who searcheth all things to the bottom, hath transcribed it at large, as a worthy *Monument* of *Antiquity*, and of very great light in the present Controversie: To him I shall refer the Reader for the whole; and only note some few expressions to the purpose.

We (say they) humbly beseech you to admit more into your Communion those whom we have cast out: For your Reverence will easily perceive that this is forbid in the Council of Nice. For if this be taken care for, as to the inferior Clergy and Laity, how much more would it have it to be observed in Bishops. The Decrees of Nice have subjected both the inferior Clergy and Bishops to their Metropolitans, for they have most wisely and justly provided, that every business be determined in the place where it begins. Especially seeing that it is lawful to every one if he be offended, to appeal to the Council of the Province, or even to an universal Council. Or how can a Judgment made beyond the Sea be valid, to which the Persons of necessary Witnesses cannot be brought by reason, &c. For this sending of men to us from your Holiness, we do not find it commanded by any Synod of the Fathers. And as for that Council of Nice, we cannot find it in the truest Copies, sent by



holy Cyril Bishop of Alexandria, and the venerable Atticus Bishop of Constantinople; which also we sent to your Predecessor Boniface. Take heed also of sending any of your Clerks for Executors, to those who desire it; lest we seem to bring the swelling pride of the World into the Church of Christ; and concerning our brother Faustinus (Aparius being cast out) we are confident that our brotherly Love continuing, Africa shall no more be troubled with him.

This is the sum of that famous Epistle, the Pope and the African Fathers referred the point in difference to the true Canons of the Nicene Council: The Canons determine against the Pope, and from the whole story 'tis inferred evidently.

1. That Pope Boniface himself implieth, his Jurisdiction was limited by the general Council of Nice, and that all the Laity and Clergy too, except Bishops, that lived beyond the Seas, and consequently in England, were exempted from his Jurisdiction by that Council.

2. Pope Boniface even then, when he made his claim and stood upon his terms with the African Fathers, pleads nothing for the appeals of transmarine Bishops to Rome, but the allowance of the Council of Nice, no *tu es Petrus* then heard of.

3. Then it seems the practices of Popes themselves were to be ruled and judged by the ancient Canons and Laws of the Church.

4. The African Fathers declared the Pope fallible and actually mistaken, both to his own power and sense of the Council: Proving substantially that neither Authority from Councils, nor any foundation in Justice, Equity or order of Govern-

Government or publick *Conveniency*, will allow or suffer such *Appeals* to *Rome*; and that the Pope had no authority to send *Legates* to hear causes in such cases.

All these things I ye so obviously in prejudice both of the Popes *Possession and Title*, as *universal Pastor* at that time, both in his own & the *Churches* sence, that to apply them further would be to insult; which I shall forbear, seeing *Baronius* is so ingenious as to confess, there are some *hard things* in this *Epistle*: And *Perron* hath hereupon exposed his *Wit* with so much sweat and so little purpose, but his own *Correction* and *Reproach*, as *Dr. Still.* notes.

Yet we may modestly conclude from this *one plain instance*; that the sence of the *Nicene Council* was defined by the *African Council*, to be against the *Popes Supremacy*, and consequently they did not *submit* to it nor *believe* it; and a further consequence to our purpose is, that then the *Catholick Church* did not *universally* own it: *i. e.* the *Popes Supremacy* then had not *Possession* of the faith of the whole Church: For as *A. C. p. 191.* maintains, the *Africans*, notwithstanding the contest in the sixth Council of *Carthage*, were *always in true Communion* with the *Roman Church*, even during the term of this pretended Separation: And *Celestine* himself saith, that *St. Augustine* one of those *Fathers*, lived and dyed in the *Communion* of the *Roman Church*.

## SECT. IX.

*The Conclusion touching Possession Anciently.*

**V**WE hope it is now apparent enough, that the *Popes Supremacy* had no possession in England from the beginning, or for the first six hundred years; either *de facto* or *in fide*. Our Ancestors yielded not to it; they unanimously resisted it, and they had no reason to believe it, either from the *Councils* or *practice* of the Church; or from the *Edicts* and *Rules* of the imperial Law, or the very sayings of the *Popes* themselves.

Thus *Sampson's Hair*, the strength and Pomp of their best *Plea*, is cut off: The foundation of the *Popes Supremacy* is subverted, and all other pleas broken with it.

If according to the *Apostles Canons*, every Nation had its proper Head in the beginning, to be acknowledged by them under God: And according to a general Council, all such Heads should hold as from the beginning; there can be no ground afterwards, for a lawful possession to the contrary.

If *tu es Petrus, & pasce Oves*, have any force to maintain the *Popes Supremacy*, why did not the ancient *Fathers*, the Authors of those *Canons*, see it? Why was not it shewn by the *Popes*

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concerned, in *bar* against them when nothing else could be pleaded? When both *Possession* and *Tradition* were to be *begun*, and had not yet laid their *Foundation*? Yea when *actual opposition* in England was made against it: when *general Councils* abroad, laid restraints upon it; and the *Eastern Church* would not acknowledge it.

Indeed both *Antiquity*, *Universality*, and *Tradition* it self, and all colour of *Right* for ever, fails with *possession*.

For *Possession* of *Supremacy*, afterwards, can not possibly have either a *divine* or *just Title*; but must lay its *Foundation*, contrary to *Gods Institution* and *Ecclesiastical Canon*. And the *Possessor* is a *Thief* and a *Robber*, our *Adversaries* being *Judges*. He invades others *Provinces*; and is bound to *Restore*: And *long Possession*, is but a protracted *Rebellion* against *God* and his *Church*.

However it be with the *secular Powers*, *Christs Vicar*, must certainly derive from him; must hold the power he gave; must come in it at his door. And *S. W.* himself, *P. 50* against *Dr. Hammond*, fiercely affirmeth, That *Possession* in this kind ought to begin near *Christs Time*; and he that hath begun it later, unless he can Evidence that he was driven on from an *Ancient Possession*, is not to be stiled a *Possessor* but an *Usurper*, an *Intruder*, an *Intruder*, *Disobedient*, *Rebellious*, and *Schismatical*. Good Night, *S. W.*

*Quod ab initio fuit invalidum, tractu temporis non Convalescit*, is a Rule in the *Civil Law*.

Yea, whatever *Possession* the Pope got afterwards, was not only an illegal *Usurpation*, but a manifest *Violation* of the *Canon* of *Ephesus*; and thereby *Condemned* as *Schismatical*.

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CHAP.



## C H A P. VII.

*The Pope had not full Possession here, before Hen. 8. I. Not in Augustine's Time. II. Nor After.*

**T**Is boldly pleaded ; that the Pope had Possession of the Supremacy in England for nine hundred years together from *Augustine* till *Hen. 8.* No King on Earth hath so long, and so clear prescription for his *Crown.*

To which we answer: 1. That he had not such Possession. 2. If he had, 'tis no Argument of a just Title.

## S E C T. 1.

*Not in Austin's Time. State of Supremacy questioned.*

**W**E shall consider the Popes Supremacy here, as it stood in and near *St. Augustine's* time, and in the Ages after him to *Hen. 8.*

1. We have not found hitherto, that in or about the time of *Augustine* ; Arch-Bishop of *Canterbury*, the Pope had any such power in England as is pretended.

Indeed,

Indeed, he came from *Rome*; but he brought no *Mandate* with him; and when he was come, he did nothing without the *King's licence*: at his arrival, he petitions the *King*; the *King* commands him to stay in the *Isle Thanet*, till his further *pleasure* was known: he obeyed; afterward, the *King* gave him *licence* to preach to his Subjects; and, when he was himself converted, *majorem predicandi licentiam*, he enlarged his *licence* so to do. Bed. l. 1. c. 25.

'Tis true, Saint *Gregory* presumed largely, to subject all the Priests of *Brittain* under *Augustine*; and to give him power to erect two *Arch-Bishopricks*, and twelve *Bishopricks* under each of them; but 'tis one thing to claim, another thing to possess: for *Ethelbert* was then the only Christian King, who had not the *twentieth* part of *Brittain*; and it appears, that after both Saint *Gregory* and *Austine* were dead, there were but one *Arch-bishop*, and two *Bishops*, throughout the *Brittish* Islands, of the *Roman Communion*.

Indeed, the *Brittish* and *Scotch* Bishops were many, but they renounced all *Communion* with *Rome*, as appeared before. Bed. l. 2. c. 2 & c. 4.

We thankfully acknowledge the Pope's sending over *Preachers*; his commending, sometimes *Arch-Bishops* when desired, to us; his directions to fill up *vacant Sees*: all which, and such like, were Acts of *Charity*, becoming so eminent a *Prelate* in the *Catholick Church*: but sure these were not Marks of *Supremacy*.

'Tis possible, Saint *Milet*, as is urged, might bring the *Decrees* of the *Roman Synod* hither to be observed; and that they were worthy of

our acceptance, and were accepted accordingly; but 'tis certain, and will afterwards appear to be so, that such *Decrees* were never of force here, further than they were *allowed* by the King and Kingdom.

'Tis not denied, but that sometimes we admitted the *Pope's Legates*, and *Bulls* too; yet the *Legantine Courts* were not Anciently heard of; neither were the *Legates* themselves, or those *Bulls*, of any Authority without the King's Consent.

Some would argue from the great and *flattering Titles* that were antiently given to the *Pope*, but sure such *Titles* can never signify *Possession* or *Power*, which at the same time, and perhaps by the very same *Persons* that gave the *Titles*, was *really* and indeed denied him.

But the great Service the Bishop of *Calcedon* hath done his Cause by these little Instances before mentioned, will best appear, by a true state of the question touching the *Supremacy* betwixt the *Pope* and the *King of England*; in which, such things are not all concerned.

Vid. Bramb.  
p. 189. &c.

The plain question is, who was then the *Political Head* of the Church of *England*? the *King* or the *Pope*? or more immediately, whether the *Pope* then had *possession* of the *Supremacy* here in such things, as was *denied* him by *Hen. 8.* at the beginning of our *Reformation*? and the *Pope* still challengeth? and they are such as these.

1. A *Legislative Power* in Ecclesiastical Causes.
2. A *Dispensative Power*, above and against the *Laws* of the Church.

3. A liberty to send *Legates*, and to hold *Legatine Courts* in *England*, without *Licence*.

4. The Right of receiving the last *Appeals* of the King's Subjects.

5. The *Patronage* of the English Church, and *Investitures* of Bishops; with power to impose *Oaths* upon them, contrary to their Oath of *Allegiance*.

6. The *First Fruits* and *Tithes* of Ecclesiastical Livings; and a power to impose upon them what *Pensions*, or other Burthens, he pleaseth.

7. The Goods of Clergy-men, dying Intestate.

These are the Flowers of that *Supremacy* which the *Pope* claimeth in *England*, and our *Kings*, and *Lays*, and Customs deny him; as will appear afterwards in due place: for this place, 'tis enough to observe, that we find no foot-steps of such possession of the *Pope's* Power in *England*, in or about *Augustine's* time.

As for that one instance of Saint *Wilfred's* Appeal, it hath appeared before; that it being rejected by two Kings successively, by the other *Arch-Bishop*, and by the whole Body of the English *Clergy*, sure, 'tis no full instance of the *Pope's* Possession of the *Supremacy* here at that time; and needs no further answer.

## S E C T. II.

*No clear or full possession in the Ages after Austine, till Hen. 8. Eight Distinctions; the Question stated.*

**I**T may be thought that though the things mentioned were not in the Pope's possession so early; yet, for many Ages together they were found in his Possession, and so continued, without interruption, till Hen. 8. ejected the Pope, and posselt himself and his Successors, of them.

Whether it were so or not, we are now to examine; and least we should be deceived with Colours and generalities, we must distinguish carefully.

1. Betwixt a Primacy of Order and Dignity and Unity; and Supremacy of Power, the only thing disputed.

2. Betwixt a Judgment of direction resulting from the said Primacy; and a Judgment of Jurisdiction depending upon Supremacy.

3. Betwixt things claimed; and things granted and possessed.

4. Betwixt things possessed continually; or for some time only.

5. Betwixt Possession partial, and of some lesser Branches; and plenary or of the main body of Jurisdiction.

6. Betwixt things permitted of *courtesie*; and things granted out of duty.

7. Betwixt *incroachment* through craft, or power or interest, or the temporary *Offitancy* of the



the People; and Power, grounded in the *Laws*, enjoyed with the *consent* of the States of the Kingdom in times of *peace*.

8. Lastly, betwixt *quiet possession*; and *interrupted*.

These Distinctions, may receive a flout from some *capricious* Adversary; but, I find, there is need of them all, if we deal with a *subtle* one.

For the Question is *not*, touching *Primacy* in the Bishop of *Rome*; or an acknowledged Judgment of *direction* flowing from it; or a *claim* of Jurisdiction, which is no *Possession*; or a *partial* possession of power in some lesser things; or a larger power in greater matters, yielded out of *curtesie*, *ossitancy*, or fear, or surprize; and held only for a *time*, while things were *unsettled*; or by *power*, craft or interest; but soon after *disclaimed*, and frequently interrupted: for, this is not *such* a Possession as our *Adversaries* plead for; or, indeed, will stand them in stead.

But the Question in short, is this; *whether the Pope had a quiet and uninterrupted possession of the Supreme Power over the Church of England in those great Branches of Supremacy denied him by Henry the Eighth, for nine hundred years together, or for many Ages together before that time?*

This, strictly, must be the Question: for the Complaint is; that *Hen. 8. dispossessed the Pope of the Supremacy* which he had enjoyed for so many Ages; and made himself *Head of the Church of England*: therefore, those very things which that *King* then denied to the *Pope*, or took from him, must be those *Flowers* of the *Supremacy*, which the *Papists* pretend, the *Pope* had

had possession of, for so many Ages together before his time.

Two things, therefore, and those only, are needful to be sought here: what those *Branches of Power* are, which *Henry* the Eighth denied to the *Pope*, and resumed to himself and his Successors? and whether the *Pope* had quietly, and without plain interruption, possessed the same for so many Ages before his time? and in order thereunto, *when* and *how* he got it?

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## CHAP. VIII.

## C H A P. VIII.

*What the Supremacy was, which Henry the Eighth took from the Pope: the Particulars of it, with Notes.*

**T**Is true, *Henry the Eighth* resumed the Title of the only *Supreme Head in Earth, of the Church of England*; and denied this Title to the *Pope*: but 'tis plain, the Controversie was not so much about the Title as the Power; the Honours, Dignities, Jurisdictions, Authorities, Profits, &c. belonging or appertaining to the said Dignity of *Supreme Head of the Church of England*: as is evident by the Statute, *Hen. 8. 26. c. 1.*

The Particulars of that Power were such as these.

1. *Henry the Eighth* prohibited all Appeals to the *Pope*, *An. 24. c. 12.* and Legates from *Rome*.
2. He also forbad all payments of money, upon any pretence, to the *Pope*, *An. 25. c. 12.*
3. He denied the *Pope* the Nomination and Consecration of *Arch-Bishops* and *Bishops*, and Presentations, *An. 25. 20.*
4. He prohibited all Suits for *Bulls* &c. to be made to the *Pope*, or the See of *Rome*, *25. c. 21.*
5. He prohibited any *Canons* to be executed here, without the *King's Licence*, *An. 25. 19.*

I have perused the Statutes of King *Henry the Eighth*; and I cannot find any thing which  
he

he took away from the *Pope*, but it is reducible to these five Heads: touching which, by the way, we note.

1. The Controversie was not about a *Primacy* of Order, or the beginning of Unity; but a *Supremacy* of Power.

2. All these things were then denied him, not by the King alone; but by all the *States* of the Kingdom, in many *Statutes*.

3. The denial of all these Branches of *Supremacy* to the *Pope*, were grounded upon the *Ancient Laws* and Customs of the Realm, as is usually noted in the *Preamble* of the said *Statutes*: and if, that one thing shall be made to appear; we must conclude, that the *Pope* might be guilty of an *Usurpation*, but could never have a *Legal Possession* of that *Supremacy*, that is in the question.

4. Note, that the *States* of the Kingdom in the Reign of *Queen Mary*, (when by means of *Cardinal Pool*, they recognized the *Pope's Supremacy*), it was with this careful and express *Limitation*; that nothing therein should be understood to diminish any the *Liberties* of the *Imperial Crown* of this Realm; which did belong unto it in the *Twentieth year* of *Hen. 8.*—without diminution or enlargement of the *Pope's Supremacy* in *England* as it was in the *Twentieth year* of *Hen. 8.* So that *Queen Mary*, and her *Parliament*, added nothing to the *Pope*; but only restored what he had before; and when and how that was obtained, is next to be examined.

An. I. II.  
Mar. c. 8.

## C H A P. IX.

*Whether the Pope's Supremacy here, was in quiet Possession till Henry the Eighth?*

**W**E have found, what Branches of the *Pope's Power*, were cut off by *Hen. 8.*

The Question is, whether the *Pope* had Possession of them, without interruption, before that time? and, that we may proceed distinctly, and clearly; we shall consider each of the former Branches by themselves: and first we begin with the *Pope's Power* of receiving *Appeals* from hence; which carries a very considerable part of his pretended Jurisdiction.

## S E C T. I.

*Of Appeals to Rome. Three Notions of Appeal. Appeals to Rome Locally, or by Legates. Wilfrid. Anselm.*

**A**ppeals to Rome, we have found among these things which were prohibited by *Henry the Eighth*: Therefore no doubt the *Pope* claimed, and in some sort possessed the power of receiving



ceiving such *Appeals* before. But what kind of *Possession*, how *free*, and how *long*, is worthy to be enquired.

3 Senses of  
Appeal.

*Appeal*, is a word taken several ways : Sometimes it is only to *accuse* ; so we find it in the *Statutes* of the 11 and 21 *Rich.* 2. Sometimes to *refer* our selves for judgment, to some worthy person ; so *Francfort*, &c. appealed to *John Calvin*. 3. But now it is chiefly used for a removing a *cause* from an inferior to a *Superior Court*, that hath power of *dissanulling* what the other did.

In this last sense, *Historians* tell us, that *Appeals to Rome* were not in use with us, till about *five hundred years ago*, or a little more, viz. the year 1140.

These *Appeals to Rome* were received and judged either in the *Popes Court at Rome* ; or by his *Legates in England*. A word or two of each.

1. Locally.

For *Appeals to the Pope at Rome*, the two famous instances of *Wilfred* and *Anselm*, take up much of our History.

*Wilfred*.

*Anselm*.

But they both seem, at least at first, to have appealed to the *Pope*, under the second notion of *appeal* : Not to him as a *proper* or *legal Judge* ; but as a great and *venerable Prelate*.

But not to stick there ; 'tis well known what effect they obtained : As for *Wilfred*, his account was of *elder date* ; and hath appeared before, to the great *prejudice* of the *Popes Possession in England* at that time.

*Anselm*.

But *Anselm* is the great monument of *Papal Obedience* ; and, as a learned man observes, the first promoter of *Papal Authority in England*.

He

He began his Enterprife with a pretence, that he ought not to be barr'd of *visiting* the *Vicar* of St. Peter, *causa Regiminis Ecclesie*; but he was not suffered to do that: So far was the Pope then, from having the power of receiving appeals, that he might not receive the *visit* of a person of *Anselm's* quality, without the *Kings* leave.

First, he was told by the *Bishops*, as well as *Lay-Lords*, that it was a thing unheard of, and altogether against the use of the *Realm*, for any of the great men, especially himself to presume any such thing, without the *Kings* Licence.

Notwithstanding, he would, and did go; but what followed? His *Bishoprick* was seiz'd into the *Kings* hand: And the Pope durst not, or thought not good, to give him either *Consilium* or *Auxilium*, as Sir *Rog. Twiss* p. 11. & 12. makes appear out *Eadmer*, p. 20, 26, 38, 39, 53.

In the dispute, the *King* told *Anselm*, the Pope had not to do with his *Rights*; and wrote that free Letter, we find in *Forvalensis* Col. 999, 30. and upon the ambiguous answer of the Pope, the *King* sent another letter by *Anselm* himself to *Rome*, who spake plainly, his *Master*, *no amissione Regni*, &c. for the loss of his Kingdom, he would not lose the investiture of his Churches.

But *Anselm*, as *Arch-Bishop*, took the Oath, that was appointed by the Pope to be taken at the receiving of the *Pall*, which allowed his Power to receive Appeals.

'Tis true; but Pope *Paschalis* himself, who devised that Oath, acknowledgeth, that it was as *Anselm* signified to him, not admitted; but wondred at; and lookt on as a strange innovation both

Eadem. 73

13.

Obj.

Ans

both

*Baron. an.* both by the King and the great men of the King-  
*1102.nu.8.* dom. The King pleaded the *Fundamental Laws*  
 and customs of the Land against it; it is a custom  
 of my Kingdom instituted by my Father, that no  
 Pope may be appealed unto, without the Kings li-  
 cence. He that takes away the customs of the King-  
 dom, doth violate the Power and Crown of the King.  
*Malmf. l. 1.* And 'tis well noted by Arch-Bishop Bramhall,  
*de gest. Pont.* that the Laws established by his Father, viz.  
*Ang.* William the Conqueror, were no other than the  
 Laws of Edward the Confessor; that is to say, the  
 old Saxon Laws, who had before yielded to the  
 request of his Barons (as *Hoveden* notes) to  
 confirm those Laws.

But, though *Anselm* had obliged himself by  
 the said Oath to the Pope, yet the rest of the Bi-  
 shops refused the Yoke; and thereupon, *Malmsh.*  
*Malm. ibid.* tells us, in his &c. that, in the execution of these  
 things, all the Bishops of England did deny their  
 Suffrage to their Primate.

Consequently, the Unanimity of the whole  
 Realm, appeared in the same Point, in the  
 Reign of this Kings Grandchild, in the Statute  
 of *Clarendon*; confirming the former *Brittish*  
*Math. Par.* English custom, not only by their consents, but  
*1164.* their Oaths: wherein generally every man is in-  
*Hoved. in* terdicted to appeal to Rome.  
*Hen. 2.*

This Statute of *Clarendon* was made, when Po-  
 pery seemed to be at the height in England: It  
 was made to confirm the Customs and Liberties of  
 Henry the Seconds Predecessors; that is to say, as  
 the words of the Statute are, his Grandfather  
 Henry the first, Son of the Conqueror, and other  
 Kings. Now the Customs of England are our  
 common Laws, and the customs of his Predecessors  
 were

were the *Saxon, Danish, and Norman Laws*; P. 73.  
and therefore ought to be observed of all, as my  
Lord *Bramhall* reasons:

What these *customs* were; I may shew more  
largely hereafter; at present this one is perti-  
nent. *All appeals in England must proceed regu-  
larly, from the Arch-Deacon to the Bishop, from  
the Bishop to the Arch-Bishop, and if the Arch-Bishop  
fail to do his duty, the last must be to the King, to  
give order for redress, that is, by fit delegates.*

In *Ed. the Thirds time*, we have a plain Law to 27 Ed. 3. c.  
the same purpose in these words; *Whosoever* 1.  
*should draw any of the Kings Subjects out of the Realm  
in plea about any cause, whereof the Cognizance be-  
longeth to the Kings Court, or should sue in any foreign  
Court to defeat any Judgment given in the Kings  
Court, (viz. by appealing to Rome) they should in-  
cur the same penalties; and upon the same ground;  
the body of the Kingdom would not suffer Ed-  
ward the First, to be cited before the Pope.*

'Tis confess'd; that in the *Laws of Hen. 1.* 'tis  
granted, that in case a *Bishop* erring in Faith; and Obj.  
on *Admonition*, appearing incorrigible, *ad sum-  
mos Pontifices (the Arch-Bishops) vel sedem Apo-  
stolicam, accusetur*: which passage, as Sir Ro.  
*Twisden* guesses, was inserted afterwards; or  
the grant gotten by the importunity of the then  
Pope:

But the same learned *Mans* Note upon it, is; An.  
that, this is the only Cause wherein I find any En- P. 324  
*glish Law* approve a foreign Judicature.

'Tis plain, *Anselm's Appeal* (now on foot)  
was disapproved by the whole Kingdom: 'tis e-  
vident, that this Clause was directly repugnant  
to the *Liberties and Customs of the Realm*; upon  
I which



which *Anselm's Appeal* was so ill resented.

Eadm. p.  
1133.

'Tis manifest in those days, and after, appeals to *Rome* were not common: yea this very *Pope Paschalis* complains to this *King*, *Vos oppressis Apostolica sedis appellationem subtrahitis*, which was an. 1115. and that they were held, a cruel intrusion on the Churches Liberty; so as at the *Affize* at *Clarendon*, 1164. this *Law*, if it were so, was annulled and declared to be contrary to the liberties and customs of the *Realm*, the eighth Chapter whereof, is wholly spent in shewing the *Right* of the *Kingdom* in this point, *quod non appellaretur*, for any Cause, *ad sedem Apostolicam*, without leave had first, from the *King* and his Officials, as *Joh. Sarisb.* interprets, Ep. 159. p. 254.

Obj.

Indeed, the *King* did personally yield afterwards, an. 1172. not to hinder such appeals in *Ecclesiastical Causes*.

Anf.

Hoved. f.  
314. b.3.

But the whole *Kingdom* four years after, would not quit their interest; but did again renew the *affize* of *Clarendon*, 1176. using this close expression. *Iustitia faciant quarere per consuetudinem terra illos qui a regno recesserunt, & non redire voluerint, & stare in curia domini Regis, ut legentur, &c.* as *Gervase* also notes. an. 1176. Col. 1433. 19.

Accordingly, was the practice, during *K. Rich.* the seconds time: *Geffrey Arch-Bishop* of *York*, was complained of; that he did not only refuse Appeals to *Rome*, but imprisoned those that made them: and though upon that complaint, a time was assigned to make his defence to the *Pope*, yet he refused to go; because of the *Kings* Prohibition and the indisposition of the Air.

After



After this, upon a difference with the *King*, the Arch-Bishop went to *Rome*; and made his peace with the Pope, and returns; but the *King* offended with it, committed the care even of the spirituals of his *Arch-Bishoprick* to others, till he had reconciled himself to the Crown, which was nere two years after, about 1198.

After this, again, he received complaint from *Innocentius III.* *non excusare te potes, &c.* Thou canst not excuse thy self as thou oughtest, that thou art ignorant of the priviledge of Appeals to us; seeing thou thy self has sometimes done the same. Hov. an.  
1201.

And near about the same time (as *Twisden* observes) *Robert Abbot* of *Thorney*, deposed by *Hubert Arch-Bishop*, was kept in Prison a year and an half, without any regard had to his appeal made to the Pope. Hov. f. 430.  
b. 37.

Indeed, that *Pope Innocent the Third* and his Clergy, great instruments in obtaining *Magna Charta* from that Prince, had got that clause inserted, *licet unicuique, it is lawful for any one to go out of our Kingdom, and to return, nisi in tempore Gætre, per aliquod breve tempus.* After which, saith *Twisden*, it is scarce imaginable how every petty cause was by appeals removed to *Rome*; which did not only cause Jealousie at *Rome*, that the grievance would not long be born; and put the Pope, in prudence to study and effect a mitigation; by some favourable priviledges, granted to the *Arch-Bishoprick*: but it did also awaken the *King* and *Kingdom*, to stand upon, and recover their ancient liberty in that point. Obj.

Hereupon, the Body of the *Kingdom*, in their querelous Letter to *Innocent* the fourth, 1245. Marth. Par.  
p. 668.3.

or rather to the Council at Lions, claim, that the Legate ought to come here, but on the King's desire, & ne quis extra Regnum trahatur in Causam: which Math. Par. left out; but is found in Mr. Roper's M.S. and Mr. Dugdale's; as Sir Roger Twisden observes; agreeable to one of the Gravamina Anglia, sent to the same Pope 1246. viz. quod Anglici extra Regnum in Causis, Apostolica Authoritate trahuntur.

Therefore, it is most remarkable, that at the revising of Magna Charta by Edw. 1. the former clause, liceat unicuique &c. was left out. Since which time, none of the Clergy might go beyond Seas, but with the King's leave; as the Writs in the Register, and the Acts of Parliament assure us; and which is more, if any were in the Court of Rome, the King called them home.

The Rich Cardinal, and Bishop of Winchester, knew the Law in this case; and that no man was so great, but he might need pardon for the offence: and therefore, about 1429. caused a Petition to be exhibited in Parliament, that neither himself, nor any other, should be troubled by the King &c. for cause of any provision or offence done by the said Cardinal against any Statute of Provisions &c. this was in the Eighth of Henry the Sixth, and we have a plain Statute making such Appeals a premunire in Edward the Fourth. Sir Roger Twisden observes, the truth of this barring Appeals, is so constantly averred, by all the Ancient Monuments of this Nation, as Philip Scot, not finding how to deny it, falls upon another way; that, if the Right of Appeals were abrogated, it concludes not the

See

Reg. 193.

Coke Inst.

3.p.179.

12 R.2.c.

35.

Rot. Payl.

10 Hen. 6.

n. 16.

9 Ed. 4. 3.

P. 37.

*Sec of Rome* had no Jurisdiction over this Church : the *Concession* gives countenance to our present enquiry ; the *consequence* shall be considered in its proper place.

What can be further said, in pretence of a quiet possession of *Appeals*, for nine hundred years together ? since it hath been found to be interrupted all along, till within one hundred years before *Hen. 8.*

Especially seeing my Lord *Bramhall* hath made it evident by clear Instances, that it is the *Unanimous Judgment* of all *Christendom*, that, not the *Pope*, but their own *Sovereigns* in their *Councils*, are the last Judges of their *National Liberties*, vid *Bramh. p. 106. to 118.*

## S E C T. II.

*Of the Pope's Possession here by his Legates ;  
Occasion of them ; Entertainment of  
them.*

**I**T is acknowledged by some, that citing *Englishmen* to appear at *Rome*, was very inconvenient ; therefore the *Pope* had his *Legates* here, to execute his *Power* without that inconvenience to us.

How the *Pope* had possession of this *Legantine Power*, is now to be enquired.

The Correspondence betwixt us and *Rome*, at first, gave rise to this *Power* ; the *Messengers* from *Rome*, were sometimes called *Legati* ; though at other times *Nuncii*.

Mals. f.  
127.15.

After the Erection of *Canterbury* into an *Arch-Bishoprick*: the Arch-Bishop, was held, *quasi Alterius Orbis Papa*, as, *Urban. 2.* stiled him: he exercising *Vices Apostolicas in Anglia*; that is, used the same *Power*, within this *Island*, the *Pope* did in other *Parts*.

Wigorn. An.  
1070.

Consequently, if any question did arise, the determination was in *Council*; as the deposing *Stygand*, and the settling the precedency betwixt *Canterbury* and *York*. The *Instructions* mentioned of *Henry the First*, say, the Right of the *Realm* is, that none should be drawn out of it, *Auctoritate Apostolica*, and do assure us, that our *Ancient Applications* to the *Pope* were *Acts of Brotherly Confidence* in the *Wisdom*, *Piety* and *Kindness* of that *Church*; that it was able and willing to advise and assist us in any difficulty; and not of *obedience*, or acknowledgment of *Jurisdiction*; as appear, by that Letter of *Kennulphus &c.* to *Pope Lea the Third*, *An. 797*, *quibus Sapiencia Clavis*, the *Key of Wisdom*, not *Authority*, was acknowledged therein.

Mals. de  
Reg. l. 1. f.  
36.

Much less can we imagine, that the *Pope's Messengers*, brought hither any other *Power*, than that of *Direction* and *Counsel* at first, either to the *King* or *Arch-Bishop*; the *Arch-Bishop* was, *nullius unquam Legati ditioni additus*: Therefore, none were suffered to wear a *Miter*, within his *Province*; or had the *Grozier* carried; nor laid any *Excommunication*, upon this ground; in *Dioecesi Archiepiscopi Apostolicam non tenere Sententiam*, *Gervas. Col. 1663. 55. & An. 1187. Col. 1531. 38.* The *Church of Cant.* being then esteemed, *omnium nostrum Mater Communis sub sponsi Jesu Christi dispositione*,  
*ibid.*

True,



True, the Pope did *præcipere*; but, that did not argue the acknowledgment of his Power; so John Calvin commanded Knox: the question is, how he was obeyed? 'tis certain, his Precepts, if disliked, were questioned, Eadm. p. 92. 40. opposed Gervasi. Col. 1315. 66. and those he sent not permitted, to meddle with those things they came about, *ibid.* Col. 1558. 54.

Knox Hist.  
Scot. 93.

But Historians observe, that we might be wrought to better temper, some Persons were admitted into the Kingdom, that might by degrees, raise the Papacy to its designed height: these were called Legates; but we find not any Courts kept by them, or any Power exercised with effect, beyond what the King and Kingdom pleased, which indeed was very little.

Occasion  
of Legates.

The Pope's Legate was at the Council touching the precedence of the Arch-Bishops; but he subscribed the sixteenth, after all the English Bishops, and not like the Pope's Person, or Pre-lator; as Sir Roger Twisden proves, p. 20.

The first Council, wherein the Pope's Legate preceded Arch-Bishops, was that of Vienna, a little more than three hundred years ago, viz. 1311. as the same Author observes; wherein he looked like the Legate of his Holiness indeed.

But let us examine what entertainment the Power of a Legate found here: the Arch-Bishop was jealous that a Legate residing here, would prove in *sua dignitatis præjudicium*: and the King himself, was not without suspicions; and therefore, would suffer none, so much as to be taken for Pope, but whom he approved; nor any to receive so much as a Letter from Rome,

Math. Par.  
p. 440. 17.  
An. 1137.



Eadm.p.

125.53.p.

6.25.p.

113.1.

without acquainting him with it; and held it an undoubted Right of the Crown, that, *ut neminem &c.* none should be admitted to do the office of a Legate here, if he himself did not desire it.

Eadm.p.

18.41.

Things standing thus in 1100, the Arch-Bishop of Vienna, coming over, reported himself that he had the Legantine Power of all Britain committed to him; but, finding no encouragement to use his Commission, departed, (*a nemine &c.*) by none received as Legate, nor doing any part of that office.

Eadm.p.

113.p.

116.

Fourteen years after, *Paschalis* the Second, by Letters, expostulates, with the King about several things; in particular, his non-admitting either *Messenger* or *Letter*, without his leave.

Eadm.p.

118.120.

113.120.

A year after, addrest *Anselm*, Nephew to the late Arch-Bishop; shewing his Commission *Vices gerere Apostolicas in Anglia*: this made known; the Clergy and Nobility, in Council at London, sent the Arch-Bishop to the King in Normandy, to make known unto him, the Ancient Custom of the Realm; and, by his advice to Rome, *ut hac nova annihilaret.*

After this, *An.* 1119. the King sent his Bishops to a Council held by *Calixtus* the Eleventh, at *Rhemes*, with Instructions, among other things, that they should humbly hear the Pope's Precepts, but bring no superfluous adinventiones into his Kingdom.

In November following, the Pope and King had a meeting at *Gisors* in Normandy; where *Calixtus* confirmed unto him his Father's Usages, in special, that of sending no Legate hither, but on the King's desire: and when the same Pope, not full two years after his Grant to the contrary,

trary, address another *Legate* to these parts; *Eadm. p. 137, 46, p. 138, 21.*  
 the *Kings* wisdom so ordered it, that (*qui Legati &c.*) he which came to do the office of a *Legate* in all *Britain*, was sent as he came, without doing any part of that Office.

But it is said that *Calixtus* confirmed unto the *King*, his *Fathers* usages: Therefore, it was in the *Popes* power originally and by delegation, and not in the *King*. Accordingly in our best Authors, and in particular, *Eadmer*, we find these words; *Collata, Concessa, Impetrata, Permissa*; as is urged in answer to my Lord Cook.

These words indeed intimate the *Popes* kind-ness and peaceable disposition at present, viz. that he will not disturb, but allow our enjoyment of our ancient *priviledges*: *Concessa, fungi permissa*; the same *Eadm.* calls *Antiqua Anglia consuetudo, libertas Regni* p. 118. 33, 40. Obj.

2. The words do seem also to intimate, the *Popes* claim at that time; but the true question is, about his *Possession*; which in placing *Legates* there, was ever denied him not as a thing granted formerly by the *Pope*, but as one of the *dignitates, usus, & consuetudines*, as *Hen. 1.* claimed and defended.

3. Lastly, they rather intimated the *Popes* want of power, than proved his *Authority* here: and what our *Princes* did in their own right, he would continue to them as a *Priviledge*: for no other reason but because he could not take it from them; or durst not deny it to them; so he dealt with *Edw. the Confessor*. *Vobis Regibus Anglia committimus advocacionem ejusdem loci*; but long before that, our *Kings* looked upon it as

*Baron. an.* as their Office, *regere populum Domini & Eccle-*  
*1059.1.23.* *siam ejus*; which the Pope knew well enough,  
 Therefore, a *Legate* landing in *England* in *Ed.*  
*4.* time, was obliged to take *Oath*, that he would  
 attempt nothing to the derogation of the *Rights*  
 of the *King* or *Crown*.

*Edw. 4. 16.* In *Hen. 4's* *Nonage*, his *Uncle* was sent *Legate*  
 by *Martin. 5.* *Rich. Cawdry* the *Kings* *Attorney*,  
 made protestation; that *None* was to come as *Le-*  
*gate* from the *Pope*, or enter the *Kingdom* without  
 the *Kings* appointment: a *Right* enjoyed from all  
 memory.

In the *Reign* of *Hen. 5.* the design of sending  
 a *Legate* from *Rome*, though it were the *Kings*  
 own *Brother*, was opposed; the enterprize took  
 no effect during that *Kings* *Reign*: *Vit. Arch.*  
*chic. p. 78, 80.* And in the *eleventh* of the same  
*King*, the *Judges* unanimously pronounce, that  
 the *Statutes* mentioned were only declaratory of the  
 common custom of *England*. fol. 69, 76.

*Matth. par.* It was in the *Year* 1242 when the whole  
*1245,* *State* of *England* complained of the *Popes* *infa-*  
*1246.* *mous* *Messenger*, (*non obstante*) by which *Oaths*,  
*Customs &c.* were not only weakened but made  
 void: And unless the grievances were removed,  
*Opportebit nos ponere Murum pro domo Domini, &*  
*libertate Regni.*

*Yea* long after this, in the year 1343. *Edw.*  
*3.* made his *Addresses* likewise to *Rome*, which  
 the *Pope* branded with the *Title* of *Rebellion*:  
 But to requite him, that wise and stout *Prince*,  
 made the *Statutes* of *Provisors* and *Pramunire*,  
*Walsing. p.* directly opposed to the *Incroachments* and *Usur-*  
*161.* *pations* of the *Court* of *Rome*; whereby he so aba-  
 ted their power in *England* for sundry *Ages* fol-  
 lowing,

lowing, that a *Dean and Chapter* was able to deal *Bramhall* 7.  
with the Pope in *England*, and to foil him too. 99.  
an. 1420.

The Sum is, during the Reigns of all the *British* and *Saxon* Kings, until the *Norman* Conquest, Legations from *Rome* were seldom, and but *Messengers*: A Legantine or *Nuncio's Court* we find not. *Gregory*, Bishop of *Ostium*, the Popes *Spel. conc.*  
own Legate, did confess, that he was the first an. 784.  
*Roman Priest* that was sent into those parts of *Brittain*, from the time of *St. Austin*.

When these Legates multiplied, and usurped Authority over us, the Kingdom would not bear it; as appears by the *Statute of Clarendon*, confirming the ancient *British English Custom*, with the consent and Oaths of all the *Prelates* and *Peers* of the Realm: and upon this custom was the Law grounded, *Si quis inuentus, &c.* If any one be found bringing in the Popes Letter or Mandate, let him be apprehended, let justice pass upon him without delay, as a Traitor to the King and Kingdom. *Muh. Par. an. 1164. Hoved. in Hen. 2.*

And all along afterwards we have found, that still as occasion required, the same custom was maintained and vindicated both by the Church and State of the Realm till within an hundred years before *Hen. 8.*

So that the rejection of the Popes Legate is founded in the ancient Rights, the common and Statute Laws of the Realm; and the Legantine power is a plain Usurpation contrary thereunto; and was ever lookt upon as such, it never having any real possession among us by Law, or quiet possession in Fact, for any considerable time together;



gether; but was still interrupted by the whole Kingdom, by new *declaratory Laws* against it.

Thus, we have seen how the *Popes Possession* of the formal branch of *Jurisdiction*, by *Appeals* and *Legates*, stood here, from *St. Austin* to *Hen. 8.* and that it was *quiet* and uninterrupted for *nine hundred together*, passeth away as a Vapour. The Contrary being evident by as *Authentick Testimonies* as can be desired: and now what can be imagined to enervate them?

Obj.

If it be urged that it was once in the body of our *Laws*, viz. In *Magna Charta*; *liceat unicuique de cetero exire de Regno nostro, & redire salvo & secure per terram & per aquam, salva fide nostra, nisi in tempore Guerra per aliquod breve Tempus*; 'tis confest.

Ans.

But here is no expression, that plainly and in terms, gives license of *Appeals* to *Rome*: 'Tis indeed said, that it is lawful for any to go out of the Kingdom and to return safe: But mark the *Conditions* following, *Nisi in &c.* 'Tis likely, these words were inserted in favour of *Appeals*, but it may be the Authors were timorous to word it in a more plain contradiction to our ancient *Liberties*.

2. The very *form* of words as they are, would seem to intimate that the *Custom* of *England* was otherwise.

3. Lastly, If it be considered, how soon after, and with what *unanimity* and courage our ancient *Liberty* to the contrary, was *redeemed* and *vindicated*; and that clause left out of *Magna Charta* ever since, though revised and confirmed by so many Kings and Parliaments successively, it is only an argument of a sudden and violent torrent



rent of Papal Power in King John's time, &c. not of any grounded or well settled Authority in the English Laws, as our English Liberties have. I Conclude, with those weighty words of the Statute of Ed. 3. an. 27. c. 1. *Having regard to the said Statute made in the time of his said Grandfathers, which Statute holdeth always in force, which was never annulled or defeated in any point: And for as much as he is bound by his Oath to do the same, to be kept as the Law of the Realm, though, that by sufferance and negligence it hath been since attempted to the contrary. Vid. Preamble of the Statute.*

Whereupon, it is well observed, that Queen *Alice & Mary* her self denied Cardinal Pelow to appear *Mon.* as the Popes Legate in England, in her time: And caused all the Sea-ports to be stopped, and all Letters, Briefs, and Bulls to be intercepted and brought to her.

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## C H A P. X.

*The Pope's Legislative Power in England before Hen. 8. No Canons of the Pope oblige us without our Consent ; our Kings, Saxons, Danes, Normans , made Laws Ecclesiastical.*

**W**E have found possession of the *Executive* Power otherwise than was pretended ; we now come to consider how it stood with the *Legislative* : the *Pope*, indeed claimed a Power of *making* and imposing *Canons* upon this Church : but *Henry* the Eighth denied him any such Power ; and prohibited any *Canons* whatsoever to be executed here, without the *King's Licence*, An. 25. 19.

The question now is, whether the *Pope* enjoyed that Power of making and imposing *Canons* effectually and quietly here , from the time of Saint *Augustine* to *Henry* the Eighth , or indeed any considerable time together ? and this would invite us to a greater Debate, who was *Supreme* in the *English Church* (the *Pope* or the *King*) during that time ; or rather who had the exercise of the *Supremacy* : for the Power of *making Laws*, is the chief Flower or Branch of the *Supremacy* ; and he that *freely*, and without interruption, enjoyed this Power, was doubtless,

less, in the Possession of the Supremacy.

That the Pope had it not, so long and so quietly, as is pleaded by some; and that our Kings have generally enjoyed it, will both together appear with evidence enough by the Particulars following.

1. If none were to be taken for Pope but by the King's Appointment: Sure his Laws were not to be received, but with the King's Allowance.

2. If not so much as a Letter could be received from the Pope without the King's Knowledge, who caused words prejudicial to the Crown to be renounced: Sure, neither his Laws.

Both the Antecedents we find in *Eadm. p. 626. p. 131. 1.*

3. If no Canons could be made here without the King's Authority; or being made, could have any force, but by the King's Allowance and Confirmation, where was the Pope's Supremacy? that Canons could not be made here without the King's Authority, is evident; because the Convocations themselves, always were, and ought to be Assembled by the King's Writ, *Eadm. p. 24. 5. 11.* Besides, the King caused some to sit therein, to Supervise the Actions: & *Legato ex parte Regis & Regni inhiberent, ne ibi contra Regiam Coronam & dignitates aliquid statueretur*; and when any did otherwise, he was forced to retract what he had done; as did *Peckham*: or were, in *pancis Servata*; as those of *Boniface*, *Math. Par. An. 1237. p. 447. 51.* *Lindwood. c. 1. Glos. 1.*

Convocations by Kings.

If Canons were made, though the Popes *Legate*;

can. confir- gate, and consequently all his power, was at  
by Kings. the making of them; yet had they no force at  
all, as *Laws* over us, without the Kings allow-  
ance and confirmation: The King having first  
heard what was decreed, *Consensum prae-  
buit auctoritate Regia & potestate confirmavit Statuta  
concilii*, by his Kingly power he confirmed the  
*Statutes* of the Council of William Arch-Bishop of  
Cant. and the Legate of the holy Church, cele-  
brated at *Westminster*—by the Assent of the  
King, and *primorum omnium Regni*: the Chapters  
subscribed were promulged. *Eadm. p. 6. 29. Flor.  
Wigorn. an. 1127. p. 505. Gervase an. 1175. Col.  
1429. 18.*

P. 19, 20. Twisden Concludes, as for Councils, it is cer-  
tain, none were here called from *Rome*, till 1127.  
If they did come to any, as to *Calcuith*, the  
King, upon the advice of the Arch-Bishop, *Sta-  
tuit diem* appointed the day of the Council:  
So when William the first, held one at *Winchester*,  
1070. for deposing *Stygand*; though there came  
to it three sent from *Alexan. 2.* Yet it was  
held, *Jubente & presente Rege*; who was *Presi-  
dent* of it; wherein, as before was noted, the  
Popes Legate subscribed the sixteenth after all  
the English Bishops. *Vita Lanfranci. c. 7. p. 7.  
Col. 1. d.*

Canons  
Kings  
Laws.

All our *Canons* are therefore (as they are just-  
ly) called, the Kings Ecclesiastical *Laws*, be-  
cause no *Canons* have the power of *Laws*, but  
such as he allows and confirms: and whatsoever  
*Canons* he confirmed of old, that had their ori-  
ginal from a foreign power, he allowed for the  
sake of their *Piety* or *Equity*, or as a means of *Com-  
munion* with the Church from whence they came,  
but

but his allowance or *confirmation* gave them all the *Authority* they had in *England*.

'Tis a point so plain in *History*, that it is beyond question, that during all the time from *St. Gregory* to the *Conquest*, the *Brittish*, *Saxon*, and *Danish* Kings (without any dependance on the *Pope*) did usually make *Ecclesiastical Laws*. Witness, the laws of *Excombert*, *Ina*, *Withred*, *Alfrede*, *Edward Athelstan*, *Edmond Edgar*, *Athelred*, *Canutus*, and *Edward the Confessor*; among which *Laws*, one makes it the *Office* of a *King*, to *Govern the Church as the Vicar of God*.

Before  
Conquest.

Indeed, at last the *Pope* was officiously kind, and did bestow after a very formal way, upon the last of those *Kings*, *Edward the Confessor*, a *Privilege*, which all his *Predecessors* had enjoyed as their own *undoubted Right* before, viz. the *Protection* of all the *Churches of England*, and power to him and his *Successors* the *Kings of England* for ever; in his *stead*, to make just *Ecclesiastical Constitutions*, with the advice of their *Bishops* and *Abbots*. But with thanks to his *Holiness*, our *Kings* still continued their ancient custom which they had enjoyed from the beginning, in the right of the *Crown*, without respect to his *courtesy* in that matter.

After the *Conquest*, our *Norman Kings* did also exercise the same *Legislative power* in *Ecclesiastical Causes* over *Ecclesiastical Persons* from time to time, with the consent of the *Lords Spiritual and Temporal*. Hence all those *Statutes* concerning *Benefices*, *Tithes*, *Advowsons*, *Land* given in *Mortmain*, *Prohibitions*, *Consultations*, *Premunires*, *quare impedit*, *Privilege* of the *Clergy*, *Extortions* of *Ecclesiastical Courts* or

After Con-  
quest.

K

Officers,



Officers, Regulation of Fees, Wages of Priests, Mortuaries, Sanctuaries, Appropriations; and in sum, as Bishop Bramhall adds, *All things which did belong to the external subsistence, Regiment, and regulating of the Church*; and this in the Reigns of our best Norman Kings before the Reformation. Arch Bishop Bramh. p. 73.

But what Laws do we find of the Popes making in England? or what English Law hath he ever effectually abrogated? 'Tis true many of the Canons of the Church of Rome were here observed; but before they became obliging, or had the force of Laws, the King had power in his great Council to receive them, if they were judged convenient, or if otherwise to reject them.

20 Ed. 3. c. 9.

'Tis a notable instance that we have of this, in Ed. 3. time: When some Bishops proposed in Parliament, the reception of the Ecclesiastical Canon, for the legitimization of Children, born before Marriage; all the Peers of the Realm stood up, and cried out with one voice, *Nolumus leges Angliæ mutari*; we will not have the Laws of England to be changed: A clear evidence, that the Popes Canons were not English Laws, and that the Popish Bishops knew they could not be so, without the Parliament.

Likewise, the King and Parliament made a legislative exposition, of the Canon of the Council of Lyons, concerning Bigamy, which they would not have done had they not thought they had power according to the fundamental Laws of England, either to receive it or reject it.

These are plain and undeniable evidences, that when Popery was at highest, the Popes Supremacy in making Laws for the English Church

was very *ineffectual*, without the countenance of a greater and more powerful, viz. the *Supremacy* of our own *Kings*.

Now, admit that during some little space, the Pope did impose, and *England* did consent to the authority of his *Canons*; as indeed the very rejecting of that authority, intimates: yet that is very short of the *Possession* of it, without interruption, for *nine hundred years* together; the contrary being more than evident.

Obj.

Consent admitted.

However, this *Consent* was given either by *Permission* or *Grant*: If only by *Permission*, whether through *Fear* or *Reverence*, or *Convenience*, it signifies nothing, when the *King* and *Kingdom* see cause to vindicate our ancient *Liberties*, and resolve to endure it no longer.

By Permission.

If a *Grant* be pretended, 'twas either from the *King alone*; or joyned with his *Parliament*. If from the *King alone*, he could grant it for his *time* only, and the power of *resuming* any part of the *prerogative* granted away by the *Predecessors*, accompanies the *Crown* of the *Successor*; and *fidelity* to his *Office* and *Kingdom*, obligeth him in *Justice* to retrieve and recover it.

Or by Grant.

I believe none will undertake to affirm, that the *Grant* was made by the *Law*; or the *King*, with his *Parliament*: Yet if this should be said and proved too; it would argue very little to the purpose; for this is to *establish Inquiry* by a *Law*: The *Kings Prerogative*, as *Head* of this *Church*, lieth too deep in the very *constitution* of the *Kingdom*, the *foundation* of our *common Law*, and in the very *Law of Nature*; and is no more at the will of the *Parliament*, than the *fundamental liberties* of the *Subject*.

Lastly, the same Power that *makes*, can *repeal* a Law: if the Authority of Papal Canons had been acknowledged; and ratified by *Parliament*, which cannot be said; 'tis most certain, it was *revoked*, and renounced, by an *equal Power*, viz. of *Henry the Eighth*, and the whole Body of the *Kingdom*, both *Civil* and *Ecclesiastical*.

It is the Resolution both of *Reason* and *Law*, that no Prescription of time can be a bar to the *Supreme Power*; but, that, for the Publick good it may *revoke*, any *Concessions*, *Permissions* or *Priviledges*: thus it was declared in *Parliament* in *Edward the Third* his Reign, when reciting the *Statute* of *Edward the First*; they say, the *Statute* holdeth alway his force; and that the *King* is bound by *Oath*, to cause the same to be kept, (and consequently, if taken away, to be restored to its Observation) as the *Law of the Land*: that is, the *Common, Fundamental, unalterable, Law of the Land*.

Besides, the Case is most clear, that when *Henry the Eighth* began his Reign, the *Laws* asserting the *Supreme Authority* in Causes, and over Persons *Ecclesiastical*, were not altered or repealed; and *Henry the Eighth* used his *Authority* against *Papal Inroachments*, and not against, but according to the *Statute*; as well as the *Common Law of the Land*: witness all those *Noble Laws of Provisors* and *premunire*, which, as my Lord *Bramhall* saith, we may truly call, the *Palladium* which preserved it from being swallowed up in that vast gulph of the *Roman Court* made by *Edw. 1. Edw. 3. Rich. 2. Hen. 4.*

25 Ed. 1.

27 Ed. 3.

2 Hen. 4. c.

3, 4. 7 Hen.

4. c. 5.

## C H A P. XL

Of the Power of Licences &c. here;  
in Edw. 3. Rich. 2. Hen. 4. Hen.  
5. Hen. 6. Hen. 7.

**T**Hough, the Pope be denied the *Legislative* and *Judiciary* or *Executive* Power in *England*; yet, if he be allowed his *Dispensatory* Power, that will have the effect of *Laws*; and fully supersede or impede the *Execution* of *Laws*, in *Ecclesiastical* Causes, and upon *Ecclesiastical* Persons.

'Tis confest, the Pope did usurp and exercise this *strange Power*, after a wonderful manner in *England* before *Henry the Eighth*; by his *Licences*, *Dispensations*, *Impositions*, *Faculties*, *Grants*, *Rescripts*, *Delegacies*, and other such kind of *Instruments*, as the Statute 25 Hen. 8. 21. mentions; and that this Power was *demied* or taken from him by the same Statute; as also by another, 28 Hen. 8. 16. and placed in, or rather, reduced to the Jurisdiction of the *Arch-Bishop of Canterbury*, saving the Rights of the See of *York*, in all Causes convenient and necessary for the Honour and Safety of the *King*; the Wealth and Profit of the *Realm*; and not repugnant to the Laws of *Almighty God*.

The *Grounds* of removing this Power from the Pope, as they are expressed in that excellent Preamble to the said Statute, 25 Hen. 8. are



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24 Ed. 1.

27 Ed. 3.

2 Hen. 4. 6.

3, 4. 7 Hen.

4. 6. 5.



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5. Hen. 6. Hen. 7.

**T**Hough, the Pope be denied the *Legislative* and *Judiciary* or *Executive* Power in *England*; yet, if he be allowed his *Dispensatory* Power, that will have the effect of *Laws*; and fully supersede or impede the *Execution* of *Laws*, in *Ecclesiastical* Causes, and upon *Ecclesiastical* Persons.

'Tis confest, the *Pope* did usurp and exercise this *strange Power*, after a wonderful manner in *England* before *Henry* the Eighth; by his *Licences*, *Dispensations*, *Impositions*, *Faculties*, *Grants*, *Rescripts*, *Delegacies*, and other such kind of *Instruments*, as the Statute 25 *Hen. 8.* 21. mentions; and that this *Power* was *denied* or taken from him by the same Statute; as also by another, 28 *Hen. 8.* 16. and placed in, or rather, reduced to the Jurisdiction of the *Arch-Bishop* of *Canterbury*, saving the Rights of the See of *York*, in all Causes convenient and necessary for the Honour and Safety of the *King*; the Wealth and Profit of the *Realm*; and not repugnant to the Laws of *Almighty God*.

The *Grounds* of removing this *Power* from the *Pope*, as they are expressed in that excellent *Preamble* to the said Statute, 25 *Hen. 8.* are

worthy our Reflexion : they are.

1. The *Pope's Usurpation* in the Premises.

2. His having obtained an *Opinion* in many of the people, that he had full *Power* to *dispenſe* with all *humane* Laws, *Uſes*, and *Customs*, in all *Causes Spiritual*.

3. He had *practiſed* this ſtrange *Usurpation* for many years.

4. This his practice was in great *derogation* of the *Imperial Crown* of this Realm.

5. *England* recognizeth no *Superior*, under God, but the *King* only; and is free from Subjection to any Laws, but ſuch as are ordained within this *Realm*; or admitted *Customs* by our own *Conſent* and *Uſage*, and not as Laws of any *Forreign Power*.

6. And laſtly, that according to *Natural Equity*, the whole State of our Realm in *Parliament*, hath this *Power* in it, and peculiar to it; to *diſpenſe* with, alter, *Abrogate* &c. our own Laws and *Customs*; for Publick good; which *Power* appears by whoſſom *Acts* of *Parliament*, made before the Reign of *Henry* the Eighth, in the time of his *Progenitors*.

For theſe *Reasons*, it was *Enacted* in thoſe *Statutes* of *Henry* the Eighth. That no Subject of *England* ſhould ſue for *Licences* &c. henceforth to the *Pope*; but to the *Arch-Biſhop* of *Canterbury*.

Now, 'tis confeſſed before, and in the *Preamble* to the *Statute*, that the *Pope* had uſed this *Power* for many years: but this is noted as an *Aggravation* of the *Grievance*, and one *Reason* for *Redreſs*; but whether he enjoyed it from the time of *Saint Auſtine*, or how long quietly

is the proper question ; especially seeing the *Laws* of the Land, made by King *Henry's* Predecessors, are pleaded by him in contradiction to it.

Yea, who will come forth, and shew us one Instance of a *Papal* Dispensation in *England* for the first eleven hundred years after *Christ* ? if not, five hundred, of the nine hundred years Prescription, and the first five hundred too, as well as the first eleven hundred of the fifteen, are lost, to the *Popes*, and gained to the Prescription of the Church of *England*: But,

No Instance  
1110 years  
after  
Christ.

Did not the Church of *England*, without any reference to the Court of *Rome*, use this Power during the first eleven hundred years; what man is so hardy as to deny it, against the multitude of plain Instances in *History*?

Did not our *Bishops* relax the Rigor of Ecclesiastical Canons ? did not all *Bishops*, all over the Christian World, do the like before the Monopoly was usurped ?

In the *Laws* of *Alured* alone, and in the conjoynt *Laws* of *Alured* and *Gunthrun*, how many sorts of Ecclesiastical Crimes were dispensed with, by the Sole Authority of the King and Church of *England*, and the like we find in the *Laws* of some other *Saxon* Kings,

*Gervis Dobrober. p.*  
1648.  
*Spel. Conc. p.*  
364. &c.

*Dunstan* the Arch Bishop, had Excommunicated a great Count; he made his peace at *Rome*; the *Pope* commands his Restitution : *Dunstan* answered, I will obey the *Pope* willingly, when I see him penitent; but it is not God's will that he should lie in his sin, free from Ecclesiastical Discipline, to insult over us. God forbid that I should relinquish the Law of *Christ* for the Cause of any

*Ibid. p. 481.*

*Mortal man*: this great Instance doth two things at once; justifieth the *Arch-Bishops*, and destroyeth the *Pope's Authority* in the Point.

The Church of *England* dispensed with those irreligious *Nuns*, in the days of *Lanfrank* with the *Council* of the *King*; and with *Queen Mand*, the Wife of *Henry* the First, in the like Case, in the days of *Anselm*, without any Suit to *Rome*, or *Forreign Dispensation*, *Lanfr. Ep. 32. Eadm. 3. p. 57.* These are great and notorious and certain Instances; and when the *Pope* had usurped this Power afterwards.

As the *Selected Cardinals* Stile the avaritious Dispensations of the *Pope*, *Sacrilegious & Vulnera Legum*; so our *Statutes* of *Provissors* expressly say, they are the undoing and *Destruction* of the *Common Law* of the Land: accordingly.

*Math. Par. An. 1245.* The *King*, *Lords* and *Commons*, complained of this abuse, as a *Mighty Grievance*; of the frequent coming among them, of this *Infamous Messenger* the *Pope's non-obstante*, that is, his *Dispensations*; by which, *Oaths*, *Customs*, *Writings*, *Grants*, *Statutes*, *Rights*, *Priviledges*, were not only weakned, but made void.

Sometimes these dispensative *Bulls* came to *legal Trials*: *Bohiface* the Eighth dispensed with the *Law* where the *Arch-Bishop* of *Canterbury* was *Visitor* of the *University* of *Oxford*; and by his *Bull* exempted the *University* from his *Jurisdiction*, and that *Bull* was decreed void in *Parliament* by two Successive *Kings*; as being obtained to the *prejudice* of the *Crown*, the weakning of the *Laws* and *Customs* of the *Kingdom*, and the *probable Ruine* of the said *University*, *Ex Arch. Tur. Londini. Ex Antiq. Acad. Cantab. p. 91.* In



In interruption of this Papal *Usurpation*, were those many Laws made in 25 *Edw. 1.* and 35 *Edw. 1.* 25 *Edw. 3.* and 27 and 28 *Edw. 3.* and afterwards more expressly in the sixteenth of *Richard the Second*, where complaining of *Processes and Censures upon Bishops of England*, because they executed the *King's Comandments*, in his Courts; they express the mischiefs to be the *Disinherison of the Crown; the Destruction of the King, Laws, and Realm*: that the *Crown of England* is subject to none under God; and both the *Clergy and Laity* severally and severely protest to defend it, against the *Pope*; and the same King contested the Point himself with him, and would not yield it.

Et 12  
Rich. 2.

An *Excommunication* by the Arch-Bishop, albeit it be disannulled by the *Pope*, is to be allowed by the Judges against the *Sentence of the Pope*, Case, according to the 16 *Edw. 3. Titl. Excom. 4.*

Lord Coke.  
Cawdrie's

For the *Pope's Bulls* in special, our *Laws* have abundantly provided against them; as well in case of *Excommunication*, as *Exemption*. *vid. 30 Edw. 3. lib. Ass. pl. 19.* and the abundant, as is evidenced by my Lord Coke out of our *English Laws*, in *Cawd. Case p. 15.* he mentions a particular Case, wherein the *Bull* was pleaded for *Evidence*, that a Person stood *Excommunicate* by the *Pope*; but it was not allowed; because no *Certificate* appeared from any *Bishop of England*, 31 *Edw. 3. Title Excom. 6.* The same again, 8 *Hen. 6. fol. 3. & 12 Edw. 4. fol. 16. & R. 3. & 1 Hen. 7. fol. 20.*

So late as *Henry the Fourth*, if any Person of Religion, obtain of the *Bishop of Rome* to be *Exempt from Obedience*, Regular or Ordinary, he

Stat. 2  
Hen. 4. c. 3.



he is in case of a *premunire* ; which is an offence *contra Regem, Coronam & dignitatem suam.*

Hen. 5.

Again, more plain to our purpose, in Henry the Fifth's time, after great Complaint in Parliament, the Grievances, by reason of the Pope's licences to the contrary, it was enacted that the King, willing to avoid such Mischiefs, hath ordained and established, that all Incumbents by the Patronage of Spiritual Persons, might quietly enjoy their Benefices without being inquieted, by any colour of Provisions, Licences and Acceptations by the Pope: and that all such Licenses and Pardons upon, and by such Provisions made in any manner, should be void and of no valour; and that the Malefactors by virtue thereof incur the punishments contained in the Statutes of Provisors before that time made.

3 Hen. 5.c.

4.

9 Hen. 6.  
fol. 16.

The King only may grant or licence, to found a Spiritual Corporation as it is concluded by our Law, even in Henry the Sixth's time.

1 Hen. 7.  
fol. 20.

Further, in Edward the Fourth's Reign, the Pope granted to the Prior of Saint Johns to have a Sanctuary within his Priory; and this was pleaded and claimed by the Prior; but it was resolved by the Judges, that the Pope had no power to grant any Sanctuary within this Realm; and by Judgment of the Law it was disallowed.

We have thus, fully I hope, justified the words of the Statute of Henry the Eighth; that the Laws made in the times of his Predecessors, did in effect the same things: Especially those of Edw. 1. Edw. 3. Rich. 2. Hen. 4. which that Parliament, 24 Hen. 8.c. 12. refer us to, expressly and particularly; and how small time is left, for the Pope's Prescription (if any at all for his quiet possession)

possession) of the power of licences in England. Yet it is confess, he had usurped, and by several instances been heedlessly, or timerously permitted, to exercise such a Power, for many years together, as the *Parliament* acknowledgeth; though, contrary to the Ancient Liberty, the Common Law; and so many plain Decrees of our Judges, and Statutes of the Land from Age to Age, as have appeared.

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## CHAP. XII.

## CHAP. XII.

*Of the Patronage of the English Church,  
in our Kings, by History. Law.*

**T**HIS Flower of the Crown was derived from our ancient *English* and *British* Kings to *William* the Conqueror, *William Rufus*, and *Hen. 1.* who enjoyed the *Right* of placing in *vacant Sees*, by the *Tradition* of a *Ring* and a *Crozier Staff*, without further *Approbation*, *Ordination*, or *Confirmation* from *Rome*; for the first *eleven hundred years*. Indeed, then *Hildebrand*, and after *Calixtus* did condemn and prohibit all *Investitures* taken from a *Lay-hand*.

That, before *Hildebrand*, this was the undoubted right of the *Crown*, is evident both by *History* and *Law*.

For *History*, we find *Malmsf.* notes, that King *Edgar* did grant to the *Monks* of *Glastenbury* the free *Election* of their *Abbot* for ever: But he reserved to himself and his Heirs, the power to invest the Brother elected by the *Tradition* of a *Pastoral Staff*. *Malmsf. de gest. R. l. 2. c. 8.*

*bid.* Therefore *Ingulf* the *Abbot* of *Crowland*, in the time of the *Conqueror*, saith, for many years, (he might have said *Ages*) past, there hath been no free *Election* of *Prelates*; but the *Kings Court* did confer all dignities, by a *Ring* and a *Crozier Staff*.

*Lanfrank* desired of *William* the Conqueror, the

the Patronage of the Abby of St. Austin; but the King answered, *se velle, &c.* that he would keep all the Crociers Staffs (i. e. Investitures) in his own hand. The same is testified of Anselm himself by Eadm. He after the manner and example of his Predecessor, was instructed according to the custom of the Land; and did homage to the King; as Lanfrank his Predecessor, in the See of Canterbury, in his time had done; and William the Agent of Hen. 1. protested openly to Pope Paschal; — I would have all men here to know, that my Lord the King of England will not suffer the loss of his Investitures, for the loss of his Kingdom. Indeed Pope Paschal was as resolute, though it be said, not so just in his answer. I speak it before God, Paschal the Pope will not suffer him to keep them without punishment; no not for the Redemption of his Head.

Eadm. l. 3. p. 73.

Here was indeed a demand made, with confidence and courage; but, had that Pope no better Title than that of Possession to claim by, he had certainly none at all: For, as Eadm. concludes, the case seemed a new thing (or Innovation) to this our Age; and unheard of, to the English, from the time that the Normans began to Reign, (that, I say not sooner) for from the time that William the Norman conquered the Land, no Bishop or Abbot was made, (before Anselm) who did not first do homage to the King; and from his hand by the gift of a Crocier Staff, receive the investiture to his Bishoprick or Abbacy, except two Bishops of Rochester, who were Surrogates to the Arch-Bishop; and inducted by him by the Kings leave.

Eadm. uet. in Pref. p. 2.

Indeed, now the Pope began to take upon him in earnest; and to require an Oath of Fidelity

lity of the *Arch-Bishop* when he gave him the *Pall*; and to deny that *Pall* if he would not take it. A new *Oath* never before heard of, or practised: An *Oath* of *Obedience* to himself; as it is expressly called, in the *Edition* of *Gregory* 13. An *Oath* not established by any *Council*; but only by *Papal Authority*, by *Paschalis* himself, as *Gregory* the *Ninth* recordeth.

This *Oath*, at first, though new, was modest; bounding the *Obedience* of the *Arch-Bishops* only by the *Rules* of the holy *Fathers*; as we find in the old *Roman Pontifical*; But it was quickly changed from *Regulas Sanctorum Patrum*, to *Regalia Sancti Petri*: The change, as my Lord *Bramhall* observes, not great in words, but in Sence, abominable.

P. 320.

*Trinid. p. 47:*

*Bellarmino* would persuade us, that the like *Oath* was given, in *Gregory* the firsts time; but that was nothing like an *Oath* of *Obedience*, and was only an *Oath* of *Abjuration* of *Heresie*; not imposed but taken freely, no common *Oath* of *Bishops*, nor any thing touching the *Royalities* of *St. Peter*, as may be seen *Greg. Epist.* 1. 10. *Ep.* 30. *Indic.* 5.

About an hundred years after, in the time of *Gregory* the *Ninth*, they extended the subjects of the *Oath*, as well as the matter; enlarging it from *Arch-Bishops* to all *Prelates*, *Bishops*, *Abbots*, *Priors*, and now they cry up the *Canons* above all *Imperial Laws*.

But to decide this point of swearing *Allegiance* to the *Pope*; which could not be done without going in person to *Rome*; it is sufficient that by all our *Laws*, no *Clergyman* could go to *Rome* without the *Kings Licence*; and that by an



an ancient *Britannick Law*; if any subject enter into League with another (Prince) professing Fidelity and obedience to any one (besides the King) let him loose his head. Hist. Both. Hist.

But, let us admit, that the Pope eleven hundred years after Christ, got possession of the English Church, and the Conscience of the Bishops by Investiture and Oaths; who will shew us that he had it sooner? who will maintain that he kept it quietly till Hen. 8?

This last point will be clear, by examining our *Laws*, the second Topick propounded at the beginning of this discourse: For if his Possession were good, it was settled in *Law*; and if quiet, the *Laws* were not made to oppose it, by the great States of the Kingdom. 2. Law.

My Lord *Bramhall* hath produced three great *Laws*, as sufficient to determine this Controversie; whether the King or the Pope be Patron of the English Church; the Assize of *Clarendon*, Statute of *Carlisle*, and of *Provisors*. The first tells us plainly, that the Election of an Arch-Bishop, Bishop, Abbot and Prior was to be made by the respective dignitaries upon the Kings calling them together to that purpose; and with the Kings consent. And then the Person elected, was presently to do homage to the King as his Liege Lord. 1. Clarendon.

And that this method was exclusive of the Pope, that of *Carlisle* is very distinct: The King is the founder of all Bishopricks, and ought to have the custody of them in the Vacancies, and the Right of Patronage to present to them; and that the Bishop of Rome usurping the right of Patronage, giveth them to Aliens. That this tendeth to Annihilation of the State of holy Church; to the dis-inheriting In Ed. 1.  
2. Carlisle.

*inheriting of Kings; and the destruction of the Realm. This is an Oppression, and shall not be Suffered.*

Provisors.

The Statute of Provisors. 15. Ed. 3. affirms, that Elections were first granted by Kings Progenitors, upon Condition to demand Licence of the King to Chuse, and, after the Election, to have the Royal Assent. Which Conditions not being kept; the thing ought by reason to return to its first Nature. And therefore they conclude, that in Case, Reseruation, Collation or Provison be made by the Court of Rome, of any Arch-Bishoprick, &c. The King and his Heirs shall have the Collations for the same time, such as his Progenitors had before the free Elections were granted.

And they tell the King plainly, that the Right of the Crown is such, and the Law of the Land too, that the King is bound to make Remedies and Laws, against such Mischiefs. And acknowledg that he is Advowor Paramount, immediate of all Churches, Prebends, and other Benefices, which are of the Advowrie of holy Church. i. e. Sovereign patron of it.

Wil. 1.

7. Ed. 3. 11.

qu. i. e. p.

19.

My Lord Coke, more abundantly, adds, the Resolutions and Decrees of the Law, to confirm us in the Point. In the time of William the first, it is agreed that no man only can make any Appropriation of any Church having cure of Souls, but he that hath Ecclesiastical Jurisdiction: but William the first did make such Appropriations, of himself without any other.

Ed. 1.

Edward the first presented his Clerke; who was refused by the Arch-Bishop; for that the Pope by way of Provison, had conferred it on another. The King brought his *quare non admisit*;

misfit, the *Arch-Bishop* pleaded the *Supremacy* of the *Pope*; and that he durst not, nor had power to put him out, which was by the *Popes Bull in Possession*, for which—by judgment of the *Common Law*, the *Lands* of his whole *Bishoprick* were seized into the *Kings* hands, and lost during his life: And my Lord *Coke's* Note upon it is, that this Judgment was before any *Statute* was made in that *Case*.

In the Reign of *Edw. 3.* it is often resolved, Ed. 3: that all the *Bishopricks* within *England*, were founded by the *Kings* Progenitors; and therefore, the *Advowsons* of them all belong to the *King*; and at the first they were *Donative*: And that if any *Incumbent* dye, the *Laple* comes to the *Bishop*; then to the *Arch-Bishop*; and lastly, by the *common Law* to the *King*, as to the *Supreme* within his own *Kingdom*, and not to the *Bishop* of *Rome*.

This *King* presented to a *Benefice*, his *Presentee* was disturbed by one that had obtained *Bulls* 21 Ed. 3. 40.  
f. 40. from *Rome*; for which offence he was condemned to perpetual *Imprisonment*.

It is no small spice of the *Kings* Ecclesiastical Patronage, that we find, the *King* made *Canons* *secular* to be *Regular*; and that he made the *Prior* and *Covent* of *Westminster*, a distinct *Corporation* from the *Abbot*: 38. li. Aff. pl. 22. 49. Ed. 3. l. Aff. pl. 8.

But more full is the case of *Abbot Moris*, who sent to *Rome* to be confirmed by the *Pope*; who by his *Bull* sleighted the *Election* of *Moris*; but gave him the *Abby*, of his *spiritual Grace*, and at the request (as he feigned) of the *King* of *England*. This *Bull* was read and considered of in 46 Ed. 3.  
Tit. prem. 6.

L

Council,

*Council*, that is, before all the *Judges* of *England*; and it was resolved by them all; that this *Bull* was against the *Laws* of *England*; and that the *Abbot* for obtaining the same, was fallen into the *Kings* mercy: whereupon all his *Possessions* were seiz'd into the *Kings* hands.

12 Rich. 2.  
Tit. Juris.  
18.

In the *Reign* of *Richard* the *Second*; one sued a provision in the *Court* of *Rome*, against an Incumbent, recovered the *Church*; brought an action of account for *Oblations*, &c. but the whole *Court* was of opinion against the *Plaintiff*; and thereupon he was non-suit. *Vid. Stat. 16. Rich. 2. c. 5.* against all *Papal* *Usurpations*; and this in particular, the pain is a *præmunire*.

11 H. 4. f.  
69, 70.

In *Hen. 4.* *Reign*, the *Judges* say that the *Statutes* which restrain the *Popes* *Provisions* to the *Benefices* of the *Advowsons* of spiritual men, were made; for that the *Spiritualty* durst not in their just cause say against the *Popes* *Provisions*; so as those *Statutes* were made but in affirmance of the common *Laws*.

Now what remains to be pleaded in behalf of the *Popes* *Patronage* of our *Church*, at least as to his possession of it, against so many plain and great *Evidences* both of *Law* and *Deed*?

All pretences touching the *Popes* giving the *Pall* are more than anticipated: For it is not to be denied, but that was not held necessary, either to the consecration, confirmation, or investiture of the very *Arch-Bishop* before *Anselm's* time: Yea 'tis manifest that *Lanfrank*, *Anselm*, and *Raulf* did dedicate Churches, consecrate *Bishops* and *Abbots*, and were called *Arch-Bishops*, while they had no *Pall*, as *Twisden* proves out of *Eadmer*.



We never read, that either *Laurentius* or *Milerns* received the *Pall* from *Rome*, who, no doubt, were as lawful *Arch-Bishops* as *Anstin*. *Girald* and *Hoveden* both give us an account, that *Sampson* of *St. Davids* had a *Pall*, but do not say from *Rome*; and, though in the time of infection, he carried it away with him. After *Paulinus*, there are five in the Catalogue of *York*, expressly said to have wanted it (and *Wilfred* was one of them) yet are reputed both *Arch-Bishops* and *Saints*; and of others in that series, it is not easie to prove they ever used it; nor *Adilbaldus*, till the fourth year after his *Investiture*. And *Gregory* the Great saith, that it ought not to be given, *nisi fortiter Postulanti*. What this *Honorary* was anciently, seems uncertain; but 'tis most certain, it could evacuate the Kings *Legal* and natural *Patronage* of our Church; or discharge the *Bishops* from their dependance on, and *Allegiance* to his *Crown*. Vid. Twissd.  
ibid.

'Tis true indeed, when Pope *Nicolaus* could not deny it, he was graciously pleased to grant this *Patronage* to *Edward* the *Confessor*: *Vobis & posteris, &c. committimus advocacionem, &c.* We commit the *Advowson* of all the Churches of *England* to you and your *Successors*, Kings of *England*: It might have been replied, *Nicolaus Papa hoc domino meo privilegium, quod ex Paterno jure susceperat præbuit*, as the *Emperors Advocate* said. Baron. an.  
1059. 234

This is too mean as well as too remote a spring of our *Kingly* power in the Church of *England*, though it might, *ad hominem*, sufficiently supersede (one would think) all *Papal practises* against so plain and full a grant: if any thing passed by



it, certainly it must be that very power of Advowson, that the Popes afterwards so much pretended, and our *Laws* (mentioned) were made on purpose to oppose them in.

We see no reason therefore, against the Statute of *Hen. 8.* so agreeable to the ancient *Rights* and *Laws* of this Realm: *Be it enacted*, that no person shall be *Presented*, *Nominated*, or *Commended* to the Pope, to or for the dignity of an *Arch-Bishop* or *Bishop* within this Realm, nor shall send or procure thence for any manner of *Bulls*, *Briefs*, *Palls*, or other things requisite for an *Arch-Bishop* or *Bishop*. —all such, viz. Applications and Instruments, shall utterly cease and no longer be used within this Realm; and such as do contrary to this *Act*, shall run in danger of the Statutes of *Provision* and *Premunire*.

## C H A P. XIII.

Of Peter-Pence, and other Moneys  
formerly paid to the Pope.

**U**Pon Complaint, by Parliament in <sup>25 Hen. 8.</sup> Henry the Eighth's Reign, of intolerable exactions of great Sums of money by the Pope; as well in *Pensions, Confes, Peter-pence, Procurations, &c.* and for infinite sorts of *Bulls, &c.* otherwise than by the *Laws and Customs* of the Realm should be permitted; It was enacted, that no Person should thenceforth pay any such *Pensions, Peter-pence, &c.* but that all such payments should thenceforth clearly surcease, and never more be levied, taken, or paid; and all *Annates, or First-Fruits and Tenth*s of <sup>25 Hen. 8.</sup> Arch-Bishops and Bishops were taken away, and forbidden to be paid to the Pope, the year before. <sup>20.</sup>

Our Payments to the Court of Rome, seem to have been of four sorts; *Peter-pence, First-Fruits and Tenth*s; *Casual*, for *Palls, Bulls, &c.* and extraordinary Taxations: briefly, of each.

1. For *Peter-pence*; (the only Ancient payment) it was, at first, given and received as an *Alms*; *Eleemosina Beati Petri, saith Paschalis*, 2. Ep. Hen. 1. apud Eadm. p. 113. 27. Perhaps, rendred out of *Gratitude and Reverence* to the See of Rome; to which England was, no doubt, frequently obliged, for their care and Council, and other assistances; and by continuance, this *Alms* and gratitude, obtained the name of

*Rent* : and was Metaphorically called, sometimes, *Tributum*, but never anciently understood to acknowledge the *Pope* as Superior Lord of a *Lay-fee*.

*Vid. Twissd.*  
p. 75.

But, when the *Pope* changed *Advice* into *Precept*, and *Counsel* into *Law* and Empire; and required *Additions*, with other grievous *Exactions*, unto his *Peter-pence*; it was a proper time to be better *advised* of our selves, and not to encourage such a wild *Usurpation* with the continuance of our *Alms* or gratitude.

This *Alms* was first given by a *Saxon King*; but by whom, it is not agreed; but that there was no other payment besides this, made to *Rome* before the year 1246. appears: for that, though there was much complaint and controverſie about our *payments*, we find the omission of no payment instanced in, but of that *duty* only; neither do the *Body* of our Kingdom in their *Remonstrance* to *Innocent* the Fourth 1246. mention any other, as claimed from henceto *Rome*.

Yet this payment, as it was not from the beginning, and as it was, at first, but an *Alms*; so it was not continued without some interruptions, when *Rome* had given Arguments of sufficient provocation, both in the times of *William* the First, and *Henry* his Son, and *Henry* the Second; this latter, during the Dispute with *Becket* and *Alex.* 3. commanded the *Sheiffs* through *England*; that *Peter-pence* should be gathered and kept, *quousque inde Dominus Rex voluntatem suam praeceperit*.

Historians observe that *Edward* the Third, during the *French* war gave command, that no *Peter*

*Peter-pence* should be gathered or paid to Rome; *Stow An.*  
and the Restraint continued all that Prince's <sup>1355.</sup>  
time, for his Successor Richard the Second, at the  
beginning of his Reign, caused John Wickliff to  
consider the Point, who concludes, those pay-  
ments being no other than *Alms*, the Kingdom  
was not obliged to continue them longer, *Vid. Twis-*  
than it stood with its Convenience, and not to *den. p. 76.*  
its detriment or Ruine, according to the Rule  
in Divinity, *extra Casus Necessitatis & Super-*  
*fluitatis Eleemosyna non est in precepto.*

Indeed, in the Parliament, held the same year,  
the question was made, and a Petition prefer-  
red (which surely was some kind of disturbance  
of the payment) against them, with no effect:  
the King restored them, and the payment of  
them continued till Hen. 8.

So much for *Peter-pence*; for the other pay- <sup>2. First-</sup>  
ments, viz. *First-Fruits and Tenths*, and the <sup>Fruits.</sup> *Ca-*  
*sual* payments, for *Bulls, &c.* they so evidently  
depend on the Pope's Supremacy for Legislation,  
*Jurisdiction*, and Dispensation, that they are  
justly denied with it; however, we shall briefly  
examine the Rise and the Possession of them.

For the *Annates* and *Tenths*, which the Pope <sup>clernang.</sup>  
received from our *Arch-Bishops* and *Bishops*, <sup>Platina.</sup>  
the Historians agree, that *England*, of all Na- <sup>Pol. Virg.</sup>  
tions, never submitted to the full extent of the  
*Papal Commands* or Expectations; which no  
doubt, was occasioned by the good *Laws* made  
here against them.

There is difference amongst Writers, in *De Scysm.*  
whose time the *First-Fruits* began to be taken. <sup>6. lib. 2. c.</sup>  
*Theodoricus a Niem* saith, *Boniface 9.* about <sup>9.</sup>  
the Tenth year of his Government was the first

*In vit. Bon.*  
*9. de inven.*  
*Rev. l. 8. c.*  
 2.

that reserved them; with whom *Platina* agrees, and *Polid. Virgil*, and many others, as *Twisden* notes; and *Walsingham* reduces them but to 1316. *Hist. An.* 1316. p. 84, 85.

But the question is, how long the Pope quietly enjoyed them? the Kingdom was so intolerably burthened with Papal Taxes, before (of which we shall speak hereafter) and these, *First-Fruits* and Tenth, being a Remembrance of those extraordinary Taxes, and a way devised to settle and continue them upon us, they were presently felt and complained of. The Parliament complained in general of such oppressions, 25 *Edw. 3.* *An.* 1351. and again more particularly, among other things of *First-Fruits* in the fiftieth of Edward the Third, and desire his Majesty, no Collector of the Pope may reside in England.

*Rot. Parl.*  
*n. 105,*  
*106.*

The King not complying, they, again, in the year following, that the Pope's Collector was as very an enemy to this State as the French themselves: that he Annually sent away 20000 Marks; and sometimes 20000 Pounds; and that, he now raised for the Pope, the *First-Fruits* of all Dignities, which, in the very beginning, ought to be crusht.

*Rot. Parl.*  
*51 Edw. 3.*  
*n. 78, 79.*

Yet they prevailed not to their minds; and in the next Parliament, the Commons preferred three Petitions: First, touching the payment of *First-Fruits*, not used in the Realm before these times. Secondly, Reservation of *Benefices*. Thirdly, Bestowing them on Aliens, &c. praying Remedy; as also, that the Petitions of the two last Parliaments, might be considered, and convenient Remedies ordained: the King hereupon,

*Rot. Parl.*  
*1 R. 2. n.*  
*66, 67, 68.*



upon refers the matters for Remedy to his  
grand or Privy-Council.

But neither yet was full satisfaction obtain-  
ed as appears ; for that the *Commons* renewed *Rot. Parl.*  
in effect the same *Suits* in the third and fifth of *Rich. 2. n.*  
*Rich. 2.* the inconveniences still continuing : af-  
ter which the next *Parliament* obtained the Sta-  
tute of *Præmunire* ; which, as *Pol. Virgil* observes, *37.*  
was a *Confining the Papal Authority within the Oce-*  
*an.* To which *Law* three years after, some *13 Ri. 2. c.*  
*Additions* were made, and none of these *Laws* *2.*  
were repealed by *Queen Mary.* *16 R. 2. c. 5.*

To say, the *Bishops* were pressed by the *Laity*  
to pass that last *Act*, is so much otherwise, as  
that it is enrolled, as *Twisden* observes, on the  
desire of the *Arch-Bishop of Canterbury.* *Rot.*  
*Parli. 16. Rich. 2. n. 20. in fine.* Neither would  
the *Pope* tolerate (as one insinuates) any thing  
so exceedingly prejudicial to him, upon any rea-  
sonable pretence whatsoever. *Answer to*  
*Sir Edward*  
*Cook.*

In the same *Parliament*, the *Commons* Petition  
that the *Popes Collector* may have forty days for  
his *Removal* out of the Kingdom ; the *King* con-  
siders.

But in the *Sixth* of *Hen. 4.* upon grievous  
complaints made by the *Commons* to the *King* ;  
of the horrible mischiefs and damnable *Customs*  
which are introduced of new by the *Church of*  
*Rome*, that none could have provision for an  
*Arch-Bishoprick* or *Bishoprick*, until he had com-  
pounded with the *Popes Chamber*, to pay great  
excessive *Sums* of *Money*, as well for the first  
fruits as other lesser fees—it was Enacted, that  
whosoever shall pay such *Sums* shall forfeit all they  
had. This *Statute* was made about an hundred  
years

6 Hen. c. 1.

Payments  
extraordi-  
nary.

years before *Hen. 8.* an inconsiderable time for so considerable a *Prescription*.

3. We have noted, that the *Clergy of England* were not free from *Roman* Taxations before the payment of *Annates* and *Tenths*, as they were afterwards stated: For there were occasional charges exacted from us by the Pope, which afterwards terminated in those constant payments, as before was intimated.

The first extraordinary contribution raised by allowance for the Popes use in this Kingdom, *Twisden* observes to have been *an. 1183.* far enough off from the time of *St. Austin*. When *Lucius* the third (at odds with the Citizens of *Rome*) sent to *Hen. 2.* *Postulans auxilium* of him and his *Clergy*, whereupon two things considerable are observed. 1. The King in this point concerning the Pope, consulted his own *Clergy*, and followed their advice. 2. The great care the *Clergy* took to avoid ill *presidents*, for they advised the King, that he would receive the monies as given by them to him, and not to the Pope, leaving the King to dispose it as he thought fit.

This wariness being perceived, the Pope did not suddenly attempt the like again: We do not find any considerable sum raised from the Body of the *Clergy* for the support of the Papal designs, till *Gregory 9.* demanded a *Tenth* of all the moveables both of them and the *Laity*, *an. 1229.* The *Temporal Lords* refused; and the *Clergy* unwillingly were induced to the *Contribution*, for it was no other.

The Pope ventured no more upon the *Laity*, but eleven years after, he demanded of the *Cler-*

by a fifth part of their goods: And after many Contests and struglings, and notwithstanding all the arguments of the poor Clergy, by the Kings and Arch-Bishops means, they were forced to pay it. Math. par. an. 1240. p. 526. 20 p. 534. 8. 39.

But neither that *Reluctancy*, nor the *Remonstrance* of the Kingdom at the *Council of Lions*, 1245. nor that to the Pope himself the year following, could prevail then to change the *Shoulder* or the *method* of Oppression: For *Innocent* 4. 1246. invents a new way, by charging every *Religious* house with finding of *Souldiers* for his Service, for one year, &c. which amounted to eleven thousand *Marks* for that year; with many devices for his advantage: but did he go on more quietly than he began? No certainly. See the *Petition* of the *Commons* in *Parliament*, 1376. Rot. Parl. 50. Ed. 3. n. 107.

The two *Cardinals Priests Agents*, were not suffered to provide for them a thousand marks a year apiece: But the *State* chased them out of the *Kingdom*; and the *King* sent through every County, that none henceforth should be admitted *per Bullam*, without the *special License* of the *King*.

And a while after, the *Parliament* held the 20 *Ed. 3.* 1346. *Petition* more plainly; and mention the matter of the two *Cardinals*, as an intollerable *grievance*, in which the *King* gave them satisfaction. Ro. Par. n. 33. 35.

However, the *Usurpation* grows against all opposition, and 'tis no longer a *Tax* for one year only as at first; but for six years successively, pretending war with *Infidels*, so dealt *John* 21. an. 1277. and *Clement* 5. in the *Council of Vienna* 1311. Exactions

Sess. 43.

*Exactions* of this kind were so abominable, that *Martin* 5 at the *Council of Constance*, 1417. was constrained to make that Remedy; *Nullatenus imponantur*, &c. upon which decree a supply of the *Tenth* being twice demanded, viz. 1515, and 1518. by *Leo* 10. against the *Turk*, the *English Clergy* denied them both times.

Thus the *Papacy* by little and little, and through great *opposition*, at length brought the *Taxes* to that we now call *Tenths*: and *Armies* proceeded gradually, but by milder measures, to a like *Settlement*; yet neither continued without the *disturbances* before mentioned.

Casual Payments.

4. There is nothing remains under the head of *Money*, but the *casual* and accidental profits, accreving by *Bulls* and *Licenses* and lesser ways and conditions of Advantage, which did much help the rest to drain us of our *wealth*: but these obtained upon *private* persons, and many times in methods not cognizable by *Law*; neither were the people so apt to complain in such cases, because they had *something* (which they unaccountably valued) for their *money*: and the possession of a *false opinion* in the *Vulgar*, as *Juglers* and *Cheats* may equally glory in, can never be soberly interpreted to be a good and sufficient *Title* to the *Supremacy* of the Church of *England*: Yet it is not amiss to remember, that the *Popes Messenger*, *Jo. Opizanus*, for acting against the *Kings Laws* in getting mony for his *Master*, was cast into *Prison* as we find it, *Vit. Hen. Chich.* p. 86.

Neither can we reasonably imagine, but that much of that *vast Sum* was gathered by those ways, which in the Reign of *Hen. 3.* the *Lords* and

and Commons complain of, viz. that above four hundred thousand pounds yearly was carried hence into Italy.

It was some disturbance of such kind of Receipts, that the Law forbids any such Bulls to be purchased for the time to come upon pain of *præmunire*: And that 'twas decreed, that the Popes Collector, though he have a Bull for the purpose, hath no Jurisdiction within this Realm. Stat. de 7.  
H. 1. c. 6.  
Hen. 4. fol. 9.

And if the ancient Law of the Realm saith, that the Pope cannot alter the Laws of England, that Law condemns his raising money upon the people in any kind, without special Law to that purpose; a Prerogative the Kings of England themselves do not claim. Therefore, that standing Fundamental Law of England, always lay in bar against, and was a continual, real, and legal disturbance of the Popes possession of power to impose Taxes; or by any devices to collect money from the English, either Laity or Clergy.



## C H A P. XIV.

*The Conclusion of the Argument from Prescription. 'Tis on our side: No force for the Pope.*

**W**E have seen what the Argument from *Prescription* is come to; how far short of *Nine Hundred years*, and how unsettled, both in *Law* and *Practice* it ever was; both as to *Jurisdiction* in the Popes Court at *Rome*, and by his *Legates* here; and as to *Legislation* by the force of his *Canons*, and his *dispensation* by *Faculties*, *Licenses*, and any sort of *Bulls*, &c. and as to his *Patronage* of, or *Profus* from the *English Church*.

If a just *Computation* were made, I believe the Argument from *Possession* would really appear to be on our side: Our *Kings* having enjoyed and flourished in the exercise of *Supremacy* over us, ever since the *Act* of *Hen. 8.* *extinguishing* the Popes *Usurpation* here, with far more quiet and less interruption, than ever the Pope did for so long a time.

Besides, other *qualifications* of our *Kings* possession, do mightily strengthen the *Plea* above any thing that can be alledged on the Popes behalf.

*Nica. Ephe.* 1. Our *Kings* had possession from the *beginning* according to the *Canon*; and therefore could never be lawfully divested: *Ancient Histories* are

are evident for us; and *Baronius* determines well, what is said by a *Modern* concerning ancient affairs, without the Authority of any more ancient, Tom. I. an. I. u. 12. is condemned.

This ancient Possession of our Kings, hath ever been continued and declared and confirmed by our *Laws*; and the consent of the whole Kingdom signified thereby: And these *Laws* have still been insisted on, and repeated when there hath been any great occasion, and fit opportunity to vindicate our ancient *Liberties*. But the Pope could never obtain any legal settlement of his Power here, before *Queen Mary's* Reign; nor by *Her* neither in the main branches of it, though indeed she courted him with the dignity of a great name and a verbal Title.

Indeed, the subject of the Question being a *Spiritual Right*, our Adversaries themselves agree, that Possession sufficient to prove it, ought to begin near *Christ's* time: And he that hath begun it later (as certainly the Pope did) unless he can evidence that he was driven out from an *ancient* Possession (as the Pope can never do) is not to be stiled a Possessor, but an *Usurper*, an *Intruder*, an *Intruder*, *Disobedient*, *Rebellious*, and *Schismatical*; as, no doubt, by *S. W's* *Logick*, the Pope is as before was noted.

I shall conclude, with the grave and considerate Concession of *Father Barnes* (noted by *Dr. Stillingfleet*) who after his thorow study of the point, upon clear Conviction determined it positively for us in these words.

The *Britanick* Church may plead the *Cyprian Priviledg*, that it was subject to no Patriarch, and although this priviledge was taken away Dr. Still. p. 398.

by Force and Tumult, yet being restored, in Henry the Eighth's time, and quietly enjoyed since, it ought to be retained for peace sake, without prejudice of Catholicism, and the brand of Schism; by which he grants all that is pertinent to our Cause, that the Pope had not possession here, from the beginning, nor ought to have had.

2. That he took advantage, *bellorum tumultibus & vi*, for his Usurpation.

3. That our Ancient Cyprian privilege was restored by Henry the Eighth, *totius Regni Consensu*, with the Consent of the whole Kingdom.

4. That never since it hath been peaceably prescribed (*pacifice prescriptum*) or quietly enjoyed.

5. And that therefore, it still ought to be retained, *sine Schismatis ullius Notâ*, without the brand or charge of Schism, which is the only thing contended for.

## C H A P. XV.

The Argument from Infallibility, Considered; in its Consequence, retorted.

**T**He two last Arguments, for proof of the Pope's Authority, are general; and not limited to the Church of England, as the three former were; and are his Infallibility and his Universal Pastorship, which remain to be examined.

From his Infallibility it may be argued thus: Arg! Whether the Pope were the means of our Conversion, or have a Patriarchal Right over us, or have had possession of the Government of the English Church heretofore or not; if he be really and absolutely Infallible, he hath thereby a right to govern us; and we are bound to be ruled and directed by him; but the Pope is really and absolutely Infallible: Ergo.

The Consequence would tempt a denial: indeed, Infallibility is an excellent qualification for an Universal Rector; but are not, qualification and Commission two things? hath God given Authority to every man, equal to his Parts? to his Natural, acquired, or infused abilities? if not; what necessity is there, that he hath, to the Pope? if all Power, as well as all Wisdom is from God; the prime fountain of them both; and if we pretend to both, need we evidence only one?

M

Indeed;

Indeed, we ought to be guided by one that is *Infallible* (if such a one there be) but the Necessity ariseth from *Prudence*, not immediatly from *Conscience*; Unless by some other way of *Authority*, God hath given him power to govern us, as well as *ability*; otherwise, we ought to submit our selves to the guidance of the *Pope*, as a good and wise man, or as a *Friend*, as our *Ancestors* did, and not as our *Lord*.

The true Question is, whether God hath given the power of Government to the *Pope*; and directly appointed him to be the *Universal Pastor* of his Church on Earth? so that the Controversie will bear us down to the last Chapter, what ever can be said here; and *Infallibility* is such a *Medium*, as infallibly runs upon that *Solicism* of Argument, *obscurum per obscurum*: and indeed, if there be any inseparable Connexion, betwixt *Infallibility* and the *Universal Pastorship*, as is pretended, the contrary is a lawfuller way of concluding: viz. if there be no one man appointed to govern the Church as *Supreme Pastor* under Christ, then there is no necessity that any one man should be qualified for it, with this wonderful grace of *Infallibility*. But it doth not appear, that God hath invested any one man with that *Power*; therefore, not with that *Grace*.

But least this Great *Roman* Argument should suffer too much; let us at present, allow the *Consequence*; but then we must expect very fair *Evidence* of the Assumption; viz. that the *Pope* is indeed, *Infallible*.

I am aware that there are some vexing Questions about the *Manner* and *Subject* of this *Infallibility*;



*Infallibility*; but if we will put them out of the way, then the Evidence of the *Pope's* or Church of *Rome's Infallibility* breaks out from three of the greatest *Topicks* we can desire: *Scripture*, *Tradition*, and *Reason*; let them be heard in their *Order*.

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## S E C T. I.

*Argument from Scripture for Infallibility, viz. Example. High Priest of the Jews. Apostles.*

I. **V** Hether it be an excess or defect of *Charity* in me, I know not; but I cannot bring my self to believe, that the fiercest *Bigot* of *Popery* alive, can seriously think the *Pope Infallible*, in the *Popish* Sence of the Word; especially that the holy *Scriptures* prove it.

I know, that some flie the Absurdity, by hiding the *Pope*, in the *Church*: but, if the Church be *Infallible*; 'tis so, as it is *Representative* in General Councils; or *diffusive*, in the whole Body of *Christians*: and then what is *Infallibility* to the Church of *Rome*, more than to any other? and how shall that which is *Common* to all, give power to one over all? or what is it to the *Pope*, above another *Bishop* or *Patriarch*?

But the *Pope* is the *Head* and *Universal Bishop*, as he is *Bishop of Rome*: that is begging a

great question indeed; for the proof of the *Pope's Infallibility*, which his *Infallibility* ought to prove; and to prove the *Medium* by the thing in *question*, after a new *Logick*.

Besides, if the proper *Seat* of *Infallibility* be the *Church*, in either of the *Sences*, it concerns our *Adversaries* to solve *Divine Providence*; who use to argue for this wonderful gift in the *Church*: if there be no *Infallibility*, God hath not sufficiently provided for the *safety* of *Souls*, and the *Government* of his *Church*; for seeing the *Church diffusive*, cannot be imagined to govern it self, but as *Collected*; and seeing, as the *Christian World* is now circumstantiated, it is next to impossible, we should have a *General* and free *Council*; how shall this so necessary *Infallible Grace* in the *Church* be exerted, upon all occasions, for the *Ends* aforesaid?

It is therefore most Consonant to the *Papal Interest* and *Reason*, to lodge this *Infallible* gift in the *Pope*, or *Court* of *Rome*: however, let us attend their Arguments for the evidence of it, either in the *Pope*, or *Court*, or *Church* of *Rome*, in any acception: which is first drawn from *Scripture*; both *Examples* and *Promises*.

Arg.

1. From *Scripture-Examples* they reason, thus: the *High Priest* with his *Clergy*, in the time of the *Law*, were *Infallible*; therefore the *Pope* and his *Clergy*, are so now: the *High Priest* with his *Clergy*, in the time of the *Law* were so; as appears *Deut. 17. 8.* where, in doubts, the people were bound to submit and stand to their *Judgment*; which supposeth them *Infallible* in it; as *A.C.* argues with *Arch-Bishop Layd. p. 97. n. 1.*

Doctor

Dr. Stillingfleet with others, hath exposed this Anf. Argument beyond all reply. In short, the *Consequence* of it supposeth what is to be proved for the proof of *Infallibility*, viz. That the Pope is *High-Priest* of the Christian Church: and we must still expect an Argument for the Popes *Headship*, if this must be granted, that we may prove him *Infallible*, to the end we may prove his *Headship*. Were it said to the Christian Church, when any *Controversie* of Faith ariseth, go to Rome, and there enquire the judgment of the *Bishop*, and believe his determinations to be *Infallible*, there had been no need of this consequence, but seeing we read no such thing, the consequence is worth nothing.

Besides, the *minor* affirming the *Infallibility* of the *High-Priest* from that *Law of Appeal* in *Deut.* 17. 8. is justly questioned. There was indeed an obligation on the Jews to submit and stand to the judgment of that *high Court*; but no obligation nor ground to believe the judgment *Infallible*: The same obligation lies upon Christians, in all *judiciary Causes*, especially upon the *last Appeal* to submit in our practices, though not in our judgment or *Conscience*, to believe that what is determined to be *Infallibly true*: A violence that neither the whole world nor a mans self, can sometimes do to the *Reason* of a man. Minor.

The Text is so plain, not to concern matters of *Doctrine*, to be decided whether true or false; but matters of Justice to be determined, whether right or wrong; that one would think the very reading of it, should put an end for ever to this debate about it. The words are, viz.

M 3

If

If there arise a matter too hard for thee in judgment, between Blood and Blood, between Plea and Plea, and between Stroke and Stroke, being matters of Controversie within thy Gates; Then shalt thou arise and get thee up into the Place which the Lord thy God shall chuse, &c. Thus God established a Court of Appeals, a Supreme Court of Judicature, to which the last application was to be made, both in case of Injury and in case of Difficulty, called the great Sanhedrin: But note, here is no direction for address to this Court, but when the case had been first heard in the lower Courts, held in the Gates of the Cities: Therefore the Law concerned not the momentous Controversies in Religion, which never came under the Cognizance of those inferior Courts.

Deut. 17.  
22.

Therefore it is not said, whosoever doth not believe the Judgment given, to be true; but whosoever acts contumaciously in opposition to it: And the man that will not hearken—but do presumptuously, even that man shall die.

Besides, God still supposeth, a possibility of Error in the whole Congregation of Israel, Lev. 4. 15. and chargeth the Priests with Ignorance, and forsaking his way, frequently by the Prophets.

But alas! where was the Infallibility of the High-Priest, &c. when our blessed Saviour was condemned by him, and by this very Court of the Sanhedrin: And when Israel had been for a long season, without the true God, without a Teaching Priest, and without Law. Vid. Dr. Still. p. 239, &c.

Ar. 2.  
Example  
N. 7.  
N. 1.

2. It is also argued, from that Example of the Apostles under the New Testament; that they were assisted with an Infallible Spirit, and there

there is the same reason for the Pope. But this *Ans.*  
 is to dispose Gods Gifts and *Wisdom* by *our own*  
 Reason: The Apostles *Infallibility* attested with  
*Miracles*, was necessary to the *first Plantation*  
 and State of the Church; and it no more follow-  
 eth, that therefore the *succeeding* Bishops must  
 be infallible, because they were so; than that  
 because *Moses* wrought miracles for the *confir-*  
*mation* of the Law, therefore the *Sanhedrin*  
 should work Miracles for the *ordinary* Govern-  
 ment of *Israel*, according to the Law.

Besides, what reason can be given, why this  
 privilege of *Infallibility* should be entailed upon  
 the Bishops of *Rome* more than other Bishops,  
 who succeeded the *Infallible Apostles*, as well as the  
 Pope? What ground hath he to claim it more  
 than they? Or if they have all an interest in it,  
 what becomes of the Argument that the Pope is  
 the *universal* Head and Governor of the Church,  
 because he is *Infallible*?

## SECT. II

Arg. 2. *From the Promises of Infalli-*  
*bility.*

God hath promised that his Church shall be pre-  
 served; which Promise engageth his *Infallible* *Ar. 2.*  
*Assistance*. Therefore the Church by that assist-  
 ance is always *Infallible*: To this mighty pur-  
 pose *A. C.* reasons with *A. B. Laud*.

God will certainly and *Infallibly* have a  
 Church, therefore that Church shall not only  
 be, but be *Infallible* in all her decrees *de fide*: Is *Ans.*

M 4

not



not this strong Reason? God is *Infallible*, therefore his *Church* is so; a *Church* shall *continue*, therefore it shall not *Err*?

Pray what Security doth the promise of the *Churches Perpetuity*, or *Infallibility* as to *Fundamentals*, give to any single *Person* or particular *Church*, that they shall continue in the *Christian Faith*, more than it did to *seven Churches* in *Asia*? And where are they now?

The Argument will conclude as well: God hath promised his *Church* shall ever *exist* upon *Earth*; therefore *Christians*, of which the *Church* consists, shall never *dye*, as well as never *fall away*: For if the Promise be made to the *Present Church* in the *Romanists* sence, it is made to the *Individuals*, that make the *Church*.  
2. And that every *particular Christian*, as well as every *particular Church*, having an equal & common interest in the *promise* of assistance, is *infallible*.

If we should grant the *Universal Church* to be *Infallible*; not only as to her *Perpetuity* but her *Testimony*, which the Argument reacheth not; yet it rests to be proved, that the *Church of Rome* is the *Catholic Church*; and then that the *Pope* is the *Church of Rome* in the same sence that the *Church of Rome* is the *Catholic Church*, and that in the same consideration, as the *Catholic Church* is *Infallible*.

But if we consider the *particular Promises*, the Argument thence is so wide and *inconclusive*, that one would think no considerate man could be abused by it.

These promises are such as concern the *Apostles* and *Church* in *general*; or such as are pretended to dignifie *St. Peter* in *special*, and above the rest.

General to  
Apostles.  
Ap. 1

Such

Such as concern the *Apostles* and the Church Lnc. 10. 16.  
 in general are these three. He that beareth you Math. 28.  
 beareth me, &c : True ; while you teach me, 20.  
 that is my Doctrine. I am with you always to the  
 end of the world : True ; while you are faithful,  
 and teach whatsoever I command. The Comforter, Joh. 14.  
 the Holy Ghost, shall abide with you for ever : True 16.  
 also, while you love me, and keep my Command-  
 ments. As the Condition is just before the Pro-  
 mise.

Now what are these Texts to the Pope or the  
 Church of Rome in special ? They certainly that  
 plead the Promise, should not neglect the duty ;  
 it were well if that was thought on.

The Popes special Friends insist on other pro-  
 mises more peculiarly designed ; as they would  
 have them for St. Peter's Prerogative : They are St. Peter,  
 these.

1. The First is *Math. 16. 18.* Thou art Peter, Text.  
 and upon this Rock will I build my Church ; and the  
 Gates of Hell shall not prevail against it.

But what is this to St. Peter's Infallibility ? An.  
 The Church shall not be overthrown, therefore  
 St. Peter is Infallible : What's this to the Popes  
 Infallibility ? The Gates of Hell shall not prevail  
 against the Church, therefore the Pope is Infal-  
 lible ? Can God find no other way to preserve  
 the Church, but St. Peter's Infallibility, and the  
 Popes Infallibility ?

Is this promise made to secure the Church  
 under St. Peter and his Successors, absolutely  
 from all error ? How came St. Peter himself to A&I. 6.  
 fall then, by denying his Master ; and to err about  
 the Temporal Kingdom of Christ ? And Popes to  
 be Blasphemers, Heretical, Atheistical ? How  
 came

came so many particular Churches, that were under the Apostolick Chair (if all were so at first) to miscarry, as those first Churches in Asia did?

But whatever is here promised to St. Peter, is nothing to the Pope; unless the Pope be indeed St. Peter's Successor, and sit in his Chair; the great point reserved for the *Last Refuge*, and shall there at large be examined.

Text. 2.

The next Promise is, *Joh. 21. Peter, feed my Sheep*; therefore the Pope is Infallible: But must not others feed Christs Sheep; and are they Infallible too? 'Tis acutely said, that Peter was to feed the Sheep as ordinary Pastor, the rest of the Apostles as extraordinary Ambassadors. But doth this Text say so, or any other Text? How came it to pass, that the ordinary Pastor should be greater than the extraordinary Embassadors? How is it proved, that this power of Feeding is Infallible, only as in St. Peter? or as such, is transmitted to St. Peters Successor in a more peculiar manner, than to the Successors of other Apostles? And that the Pope is this Successor? this must be considered hereafter, their proof is not yet ready.

Text. 3.

Another is *Luke 22. 31. Simon, Simon, Satan hath desired to winnow thee, but I have prayed that thy Faith fail not: (Viz. that thou perish not in Apostacy)* not that thou be absolutely secured from error, nor thy pretended Successors: And had not others the Prayer of Christ also? *Joh. 17. even all that should believe on him?* In a word, what is this to the Pope, that Peter should not utterly miscarry in the High-Priests Hall? Unless it signifie that the Pope may err grievously as  
St.

St. Peter did, though he hath no more the security of not failing in the Faith, than every ordinary Christian hath.

But this trifling with holy Scripture provokes Rebuke; and deserves no answer.

If any desire further satisfaction, either upon these, or other like Scriptures urged for the Popes or the Churches Infallibility; let them peruse Dr. Stillingfleet in defence of my Lord of Canterbury, and Mr. Pool's Treatise written on purpose upon this Subject. P. 254. &c.

## C H A P. XVI.

II. Arg. For Infallibility, viz. Tradition. Concessions 4. Propositions 3. Arguments. Objections Answered.

**T**Hat the difference may not seem wider than indeed it is, we shall make way for our discussion of this Argument by a few, but considerable Concessions.

1. We yield that Tradition truly Catholick is Apostolical. Truly Catholick, that is in all the three known Conditions, *ab omnibus, semper, & ubique*: For we cannot imagine that any thing should be believed or practised by all Learned Christians

Christians at *all times* and in *all places*, as a point of *Christian Religion*, that was not receiv'd as such, either from Christ himself. or his *Apostles*.

2. We grant, that *Tradition* hath been and ever will be both useful and necessary for the delivering down to the *Faith* of the Church, in *all succeeding Ages*, both the *Canon* of the Scripture and the *Fundamentals* of the Christian Religion: The necessity hereof ariseth from the distance of *Time* and *Place*; and must be supposed, upon the *Succession* of *Generations* in the Church, after the removal of the *first Preachers* and *Writers*, and consequently the *first deliverers* thereof.

3. We need not stick to agree, that *Tradition* is *Infallible*, (if we abuse not the term too rigidly) in conveying and preserving the *Substance* of Religion, which I was much enclined to believe before; and am now much encouraged to express, after I had read the learned and ingenious book of the *Several ways of resolving Faith*; (he concludes p. 129.) the *Necessaries* to Salvation should ever fail to be practically transmitted from *Generation* to *Generation*, is alike impossible; as that multitudes of People should not in every *Age* be truly desirous of their own, and their *Posterities* everlasting happiness; seeing it is a thing both so easie to be done, and so necessary to Salvation. By the *Substance* of Christian Religion, I mean the *Credenda* and the *Agenda*, or as he doth, the *Creed*, the *Lords Prayer*, the *Ten Commandments*, and the *Two Sacraments*.

4. We may, for ought I see to the contrary, Gratifie the Author of *Rushworth's Dialogues*, and the Abettors of that late new found Tradition



dition of the present Church of *Rome*: For every Church of Christ, as such, hath possession of the *substance* of Christian Religion, and without it cannot be a *Church*: And I am sure by this *Concession*, the great Argument for *Tradition* is allowed; and we are so far agreed in a *main point*.

I am troubled we must now *differ*; but our *Propositions* shall be such, as none that have weighed *Antiquity* can well doubt of them.

We affirm, that whatsoever matter of *Faith* <sup>1 Prop.</sup> or *Practice*, is not derived from the *first hands* by *Tradition Catholick*, as explained in the *first Concession*, is not *necessary* to Salvation: For 'tis agreed, if it were, it would have been preserved by *Tradition*.

But, it is against all Sence, to believe, that *Tradition* is sufficient to secure us from all *Additions* to the *first Faith*; or *Additions* and *Alterations*; in Ceremonies and Worship, or any thing that is not *necessary* to Salvation: and herein, indeed, lies the Controversie: for if *Midwives*, *Nurses*, *Parents* and *Tutors* have, as it is said, *Tradition* in their hands; and hold themselves obliged not to poyson little *Babes* as soon as they can receive Instructions accordingly; and *Tradition* could not possibly admit or deliver any thing but what is *necessary* to salvation; it were not possible for any *Error* to obtain in the Church, or with any one *Party*, or even *Member* of it; but truth would be equally *Catholick* with *Tradition*: and then, *Charity* will not suffer us to believe, that the *Jews*, that kept the Law, should be guilty of any *vain Traditions*, contrary to our *Saviour's* Reproofs;  
or

or that there should be any such *Parties* as *Hugonites* and Protestants in the World; or such various *Sects* in the Church of Rome it self; or so many Successive *Additions* to the *Faith* and *Worship* of that Church, as none may have the confidence to deny, have happened.

Observ. in Cyp. p. 147. *Vincentius* speaks very truly (*saith Rigaltius*) and prudently, if nothing were delivered by our *Ancestors*, but what they had from the *Apostles*; but under the pretence of our *Ancestors*, silly or counterfeited things may by *Fools* or *Knaves* be delivered us, for *Apostolical Traditions*: and we add, by zealously superstitious men; or by men tempted (as is evident they were about the time of *Easter* and *Rebaptization* in the beginning) to pretend *Tradition* to defend their *Opinions* when put to it in Controversie.

Prop. It further follows, that the *Infallibility* of the *Pope*, or *Court of Rome*, or *Church*, in *Matters of Faith*, is no necessary Point of *Faith*; because it is not delivered down to us, as such, by lawful, i. e. *Catholick Tradition*: this is the Point.

Now here we justly except against the *Testimony* of the present *Oral Tradition* of the *Roman Church*, or *Tradition revers'd*; because it cannot secure us against *additions* to the *Faith*: It is no evidence that *Tradition* was always the same in that point; it cannot bear against all *Authentick History* to the contrary.

That *Popes*, and *Councils*, and *Fathers*, and the *Church* too, have erred in their belief and practice, is past all doubt, by that one instance of the *Communion of Infants* for some hundred of *Years* together; which is otherwise determined

ned by the *Council of Trent*.

Yea, that there was no such Tradition of the *Pope's*, or the Church of *Rome's Infallibility* in ancient times, is as manifest, by the oppositions betwixt the *Eastern* and *Western Churches*; which could not consist with such Tradition or belief of it.

And for the Church of *England*; had she owned such Tradition, her ancient *Bishops* would not have contended with and rejected his *Messenger*, *St. Austin* and his *Propositions* together.

Neither can any considering man imagine, that the Tradition of the *Popes Infallibility* is *Catholick*, or generally received and believed in the Church of *Rome* at this day: 'Tis well known, many of their eminent men renounce it; and indeed the Pope himself doth not believe it, or he does not believe that all his *Doctors* believe it: For if he does believe both, why does he not make use of his Talent, and put an end to all the scandalous broils and Ruptures occasioned by the *Doctrinal* differences and Disputes, among the several factions of his Church; and have peace within his own Borders? But this admits no Answer.

'Tis said by the *Romanist*, that Universal Traditions are recorded in the Fathers of every succeeding Age; and 'tis reasonably spoken. It behoves him as to the present point, to shew us in some good Authors, in every age since the Apostles, this Tradition for *Infallibility*; then indeed he hath done something which ought to be done: But till that be done, we must adhere; that there is no such ground of the *Popes Authority* over us as his *Infallibility*, proved by *Scripture* or *Tradition*.

This

This proof, I think was never yet so much as undertaken, and may be expected: *Hoc opus est.* 'Tis observed by Dr. *Stillingfleet*, that there is but one eminent place in *Antiquity* produced on their side in the behalf of *Traditions*; and that is out of *St. Basil de sp. sanc. ad Amphilo*: But the *Book*, with just reason, is suspected. Three of the *Traditions* mentioned in the place, are the *Consecration* of the Person to be Baptized; the *standing* at the Prayers until *Pentecost*; and above all, the *Trine Immersion* in Baptism. The two first of these, are not acknowledged by the present Church of *Rome*; and the last, by the very *Council of Trent*, is pronounced not to be of *Apostolical* Tradition.

Here is not one word touching any Tradition for the *Infallibility* of the Church; but indeed much reason against it: For either the present Church at that time, was actually deceived, and took that to be *Apostolical* which was not so; or the present Church in the *Council of Trent*, took that not to be *Apostolical* which indeed was so, and was actually deceived in her Judgment and determination to the contrary: For those words of that Author, (*parem vim habent ad pietatem*). *unwritten* Traditions have equal force to stir up Piety with the *written word*, put the dilemma beyond exception, as those known words of the true *Basil*. [That it is a manifest falling from the Faith, and an Argument of Arrogancy, either to reject any point of those things which are written, or to bring in any of those things which are not written] make it justly suspicious, that the *Book* extolling *unwritten* Traditions was none of his.

*Bellarmino's* three Arguments. [1. The Fathers

*Hom. 29. de tri. To. 1.*

thers say the sentence of general *Councils* admits of no *Appeal*. 2. Such as submit not to them are *Hereticks*. 3. Such Sentence is *Divine*.] prove their *Authority* but not their *Infallibility*; and the force of such Sentence is from *Scripture*, or *Reason*, or *Miracles*, or approbation of the *whole Church*; as *Occham*, and *Santa Clara* after *St. Augustine* affirm. Therefore the *Fathers* generally allow us liberty of *examination*; and derogate *Faith* from all men beside the *Apostles*.

*Syst. fid. l. c.*  
26. Nu. 2.

## C H A P. XVII.

Arg. III For *Infallibility* from *Reason*. 3 *Reasons* answered. Point *Argued*. Retorted.

**T**Is Confess'd, that though *Scripture* and *Tradition* prove it not; yet if there be indeed any *sound Reason* (which is a kind of *divine Law*) for the *Pope's Infallibility*, that will go a great way. But it doubtless ought to be very clear and strong *reason*, that is able to carry it in so great a point, without either *Scripture* or *Tradition*: Let us hearken.

Perhaps we have *Tradition* offering its Service to *Reason* in another form; and the Argument may stand thus: *Tradition* is *Infallible*, but the *Pope* in the *Church of Rome* is the *Keeper* of Tradition;



Tradition; therefore thereby the Pope is *Infallible*.

Ans.

This Argument indeed, hath countenance from *Antiquity*: For *Irenaeus* adviseth his Adversaries, who pretended *Tradition*, to go to *Rome*; and there they might know what was true and Apostolical Tradition, for there it was preserved.

But how could that *father* assure us, that *Rome* would always be a faithful preserver of true Apostolical Tradition?

What security could he give to after Ages, against *innovations* and additions to Tradition it self in the Church of *Rome*?

Remember what hath been said, that *Tradition* can be thought *infallible*, only in the *Substantials* of Religion; and consequently cannot protect, either it self or the Church, from additional errors in other things.

Besides, in the *Substantials* of Religion, the Protestant Churches have the benefit of *Tradition* as well as the Church of *Rome*; and if that carry *Infallibility* with it, our Church is *infallible* as well as the Church of *Rome*; and consequently thereby hath a *Right* to govern it's self.

Reas. 2.

But the great Reason always gloried in, is from the *Wisdom* and Prudence of our blessed Saviour; who had he not intended to afford the assistance of *Infallibility* to the succeeding Pastors of his Church, to lead them when assembled in a general Council, he had built his Church upon the *Sand*; as *A. C.* argues with his Grace of *Canterbury*.

Ans.

Admit the necessity of this *Assistance* to the Pastors of the Church; what is this to prove the

the government of the Church in the Pope, because of his *Infallibility*?

But if our Saviour should not have *assured* us that he will thus assist his Church in all Ages, as you cannot shew; how do you know he hath intended it? and how *unchristian* is your Reason, to impeach your Saviour with the inference of *Folly*; and, as at other times, with *Ignorance* and imposture, if he hath not?

Take heed, hath not our Saviour built his Church upon the *Foundation* of the *Prophets* and *Apostles*? and is this *Sand* in the *Roman* Sence? Is not Christ himself the chief *Corner-Stone*? Is he *Sand* too? Doth not he *that keepeth his Sayings* build upon a *Rock*, as firm as the *decrees* of a *general Council*?

Where hath our Saviour given us the least intimation, that *inherent Infallibility* is the only *Rock* to secure the Church from *Error*? Is there not sufficient ground to rely on the *Doctrine* of Christ, had there never been a *general Council*? What? was the Church built upon the *Sand* only, before the Council of *Nice*? why did it not then *fall* in the *Storms* of *Persecution*?

Did not the *Apostles* commit the doctrine of Christ to *writing*? Is not *Tradition* the great mean of delivering the *Scriptures*, and all things needful to Salvation, by your own Arguments? may not the latter be done by *Nurses* and *Tutors*, &c. without a *general Council*? and if there be lesser differences in the Church, is the *Foundation* subverted presently? and may not those lesser differences among Christians be healed with *Argument*, or at least *quieted*; and the peace of the Church preserved by the *decrees* of

*Councils*, without *Infallibility*? how unreasonable is it, to deny it?

P. 259.

We grant, saith Doctor *Stillingsfleet*, *Infallibility in the Foundation of Faith*: we declare the owning of that *Infallibility* is that, which makes men *Christians*, (the body of whom we call the *Church*) we further grant, that Christ hath left in that Church sufficient *means* for the preservation of it in Truth and Unity: but we cannot discern, either in *Scripture*, *Antiquity* or *Reason*, that such *Infallibility*, is necessary for the Churches preservation, by the *Councils* of succeeding Pastors; much less, a *living* and standing *Infallible Judge*, as the *Head* of the Church.

Object.

R. 3.

But they say, the *Infinite Dissentions* and Divisions amongst those that deny it, make this necessary.

Ans.

How is it in the *Roman Church*? are there no Divisions there? or is the *sole Remedy* Ineffectual? yea, are there no differences there, about *Infallibility* it self? the *Manner* and *Subject* of it? are not many of your selves, *ashamed*, and weary of it? do not some of you deny it, and set up *Tradition*, in stead of it? was not the Apostle too blame, to say, there must be *Heresies* or Divisions among you, and not to tell them, there must be an *Infallible Judge* among you, and no *Heresies*? but now men are *wiser*, and of another mind.

To conclude; whether we regard the *Truth* or *Unity* of the Church; both *Reason* and *Sence* assures us that this *Infallibility* signifies nothing: for, as to *Truth*, 'tis impossible men should give up their *Faith* and *Conscience*, and inward apprehension

prehension of things, to the Sentence of any one man, or all the men in the World, against their own *Reason*; and for *Unity*, there is no colour or shadow of pretence against it; but that the *Authority* of Ecclesiastical Government, can preserve it, as well *without*, as *with* Infallibility.

But if there be any Sence in the Argument, methinks, 'tis better thus: the *Head* and Governour of the Christian Church, must of necessity be *Infallible*: but the *Pope* is not Infallible, either by *Scripture*, *Tradition*, or *Reason*; therefore the *Pope* is not the *Head* and Governour of the Christian Church.

## C H A P. XVIII.

*Of the Pope's Universal Pastorship ;  
its Right ; divine or humane ; this  
Civil , or Ecclesiastical ; all exami-  
ned ; Constantine ; King John ;  
Justinian ; Phocas, &c;*

**W**E have found some flaws in the pretended *Title* of the Pope ; as our *Converter, Patriarch, Possessor* ; and as the Subject of *Infallibility* : his last and greatest Argument is his *Universal Pastorship* : and indeed , if it be proved that he is the *Pastor* of the whole Church of Christ on Earth ; he is *ours* also : and we cannot withdraw our obedience from him, without the guilt of that which is charged upon us, *viz. Schism* ; (if his *Commands* be *justifiable*) but if the proof of *this* fail also, we are acquitted.

This *Right* of the Pope's Universal Pastorship, is *divine* or *humane*, (if at all,) *both* are pretended, and are to be examined.

The *Bishop* of *Calcedon* is very indifferent and reasonable as to the *Original* : if the *Right* be granted, 'tis not *de fide*, to believe whether it come from *God* or *no*.

If the Pope be Universal Pastor *jure humano* only ; his *Title* is , either from *Civil* or from *Ecclesiastical Power* ; and least we should err  
Fundamentally



Fundamentally we shall consider the pretences from both.

If it be said, that the *Civil* Power hath conferred this honour upon the *Pope*: may it not be questioned, whether the *Civil* Powers of the World extend so far, as either, to dispose of the Government of the *Church*; or to subject all the Churches under one *Pastor*.

However, *de facto*, when was this done? when did the Kings of *England*, in Conjunction with the Rulers of the whole World, make such a *Grant* to the *Pope*?

I think the World hath been ashamed of the *Donation of Constantine* long ago; yet, that no shadow may remain unscattered, we shall briefly take an account of it. *Const. donation.*

They say *Constantine*, the third day after he was baptized, left all the *West* part of the *Empire* to *Pope Sylvester*; and went himself to dwell at *Constantinople*; and gave the whole *Imperial* and *Civil* Dominion of *Rome*, and all the *Western* Kingdoms, to the *Pope* and his *Successors* for ever.

A large *Boon* indeed: this looks, as if it was intended that the *Pope* should be an *Emperor*; but who makes him *Universal Pastor*? and who ever since hath bequeathed the *Eastern* World to him, either as *Pastor* or *Emperor*? for, it should seem, that part, *Constantine* then kept for himself.

But Mr. *Harding* throws off all these little Cavils; and with sufficient Evidence out of *Math. Hieromonachus*, a *Greek* Author, shews the very Words of the *Decree*, which carry it for the *Pope*, as well in *Ecclesiastical* as *Civil* Advanta-

ges: they are these: *οἰκονομεν*, &c. We decree, and give in charge to all Lords, and to the Senate of our Empire, that the Bishop of Rome, and Successor of Saint Peter, chief of the Apostles, have Authority and Power in all the World; greater than that of the Empire; that he have more honour than the Emperor; and that he be Head of the four Patriarchal Seats; and that matters of Faith be by him determin'd: this is the Charter, whereby some think the Pope hath Power (saith *Harveus*) as Lord of the whole World, to set up and pull down Kings.

De potest.  
Pap. c. 19.

'Tis confessed, this Grant is not pleaded, lately, with any Confidence. Indeed Bishop *Jewel* did check it early, when he shewed *Harding*; the wisest and best among the Papists have openly disproved it: such as *Platina*, *Cusanus*, *Petavius*, *Laurent. Valla*, *Antoninus Florentinus*, and a great many more.

Conc. Cath.  
lib. 3. c. 2.

Cardinal *Cusanus* hath these words: *Donationem Constantini dilligenter expendens, &c.* Carefully weighing this Grant of *Constantine* even in the very penning thereof, I find manifest Arguments of *Forgery* and *Fallhood*.

Pius. 2.  
dial.

'Tis not found in the Register of *Gratian*; that is, in the allowed *Original Text*; though, it be indeed in the *Palea* of some Books; yet that *Palea* is not read in the *Schools*: and of it Pope *Pius* himself said, *dicta Palea* [*Constantinus*] *falsa est*; and inveighs against the Canonists that dispute *an valuerit id, quod nunquam fuit*: and those that speak most favourably of it, confess, that it is as true, that [*Vox Angelorum Audita est,*] that, at the same time, the voice of Angels was heard in the Air, saying,

ing, *hodie venenum effusum est in Ecclesiam.*

Much more to the discountenance of this vain Story you have in Bishop Jewel's Defence; P. 537, 538. 539.

But, alas, if *Constantine* had made such a Grant; *Pope Pipus*, tells us it was a question among the very *Canonists* an *valuerit*? and the whole World, besides, must judge the Grant void in it self, especially after *Constantine's* time.

Had Satan's Grant been good to our Saviour, if he had *saln* down and *worshipped* him? no more had *Constantine's*; pardon the comparison: for in other things, he shewed great and worthy zeal, for the flourishing *Grandeur* of the Church of Christ; though, by this he had, as was said, given nothing but *poyson* to it: for the *Empire* of the World and the *Universal Pastorship* of the Church, was not *Constantine's* to give to the *Pope* and his *Successors* for ever.

But it is urged, nearer home, that *King John* delivered up his *Crown* to the *Pope*; and received it again, as his *Gift*. Arg. 2. King John.

'Tis true; but this Act of present fear, could not be construed a *Grant* of Right to the *Pope*; if *King John* gave away any thing, it was neither the *Power* of making *Laws* for *England*; nor the *exercise* of any *Jurisdiction* in *England*, that he had not before; for he only acknowledged (unworthily) the *Pope's* Power; but pretended not to give him such Power, to confer the *Crown* for ever; much less to make him *Supreme Disposer* of our *English Church*.

But if our *Constitution* be considered, how inconsider-

Harps. ad  
5. Re. 14. c.  
5.

inconsiderable an Argument is this? our Kings cannot give away the Power of the Crown during their own times, without an Act of Parliament: the King and Parliament together, cannot dispose of any thing inherent to the Crown of England, without a Power of Resumption; or to the prejudice of Succeeding Kings: besides, no King of England ever did, (not King John himself) either with, or without his Parliament, by any Solemn Publick Act transfer the Government of this Church to the Bishop of Rome; or so much as Recognize it to be in Him before Henry the Eighth; and what John did, was protested against by the Three States, then in Parliament.

And although Queen Mary, since, made a higher acknowledgment of his Holiness, than ever we read was done here before; yet 'tis evident, she gave him rather the Complement of the Title of that uncertain Word (*Supreme Head*) than any real Power; as we observed before; and yet her New Act to that purpose, was endured to remain in force, but a very short time, about four or five years.

Justinian.

But although neither Constantine, for the whole World; nor King John for England, did or could devise the Supremacy to the Pope; 'tis confessed, the Emperor Justinian endeavoured somewhat that look'd like it.

Cod. inter  
Claras.

Justinian was a great friend of the Roman Bishop: he saith, *Properamus honorem & auctoritatem crescere sedis vestre*, we labour to subject and unite all the Eastern Priests to the See of your Holiness.

But this is a plain demonstration that the See of

of Rome did not extend to the *East*, near six hundred years after Christ; otherwise that would have been no addition of honour or Authority to it; neither would *Justinian* have endeavoured what was done before; as it doth not appear that he afterwards effected it.

Therefore the *Title* that he then gave the *Pope* [of the *Chief* and *Head* of all the Churches] must carry a qualified fence; and was only a *Title* of honour befitting the *Bishop* of the *Chief* and most eminent Church, as the *Roman* Church then was; (and indeed *Justinian* was a Courtier; and styles the *Bishop* of *Constantinople* *universal Patriarch* too) or at most can only signify, that his intentions were to raise the *Pope* to the *chief* Power over the whole Church; which, as was said before, he had not yet obtained.

This is all that can be inferred, if these *Epistles* betwixt the *Emperor* and the *Pope* be not forged; as *Learned Papists* suspect, because in the *eldest* and allowed Books, they are not to be found. Greg. Hol-  
and. & Arz.

However, if *Justinian* did design any thing in favour of the *Pope*, it was only the subjecting of the *Clergy* to him as an *Ecclesiastical Ruler*; and yet that no farther, than might well enough consist with the *Supremacy* of the *Empire*, in causes *Ecclesiastical* as well as *Civil*; which memento spoils all the argument.

For we find the same *Justinian* under this imperial style, We command the most holy *Arch-Bishops* and *Patriarchs* of *Rome*, *Constantinople*, *Alexandria*, *Antioch*, and *Hierusalem*. *Authent. Colla. 1.*

We find him making *Laws* upon *Monks*,  
Priests,



*Priests, Bishops, and all kind of Churchmen, to enforce them to their duty.*

We find him putting forth his *Power* and *Authority* for the *sanction* of the *Canons of Councils*; and making them to have the force of *Laws*.

We find him punishing the *Clergy*, and the *Popes* themselves; yea 'tis well known and confessed by *Romanists*, that he deprived two *Popes, Sylvester* and *Vigilius*: Indeed Mr. *Harding* saith, that was done by *Theodora* the *Empress*; but it is otherwise recorded in their own *Pontifical*; the *Emperor* demanded of *Belsarius* what he had done with the *Romans*, and how he had deposed *Sylvester*, and placed *Vigilius* in his stead? Upon his answer, both the *Emperor* and *Empress* gave him thanks: Now it is a Rule in Law, *Rati habito retrahitur, & mandato comparatur.*

Conc. To. 2.  
in v. Vigil.

De Schif. &  
Conci.

De Potef.  
Pap. c. 13.

*Zabriel* declares it to be Law, that the *Pope*, in any notorious crime, may be accused before the *Emperor*; and the *Emperor* may require of the *Pope* an account of his *Faith*: And the *Emperor* ought to proceed, saith *Harvy*, against the *Pope*, upon the request of the *Cardinals*.

Con. Const. 5.  
Act. 1.

And it was the judgment of the same *Justinian* himself, that there is no kind of thing but it may be thorowly examined by the *Emperor*: For he hath a *principality* from *God* over all men; the *Clergy* as well as *Laity*.

Gothop.  
Nov. 13. c. 3.  
Nov. 11.

But his erecting of *Justiniana prima*, and giving the *Bishop, Locum Apostolicae sedis*; to which all the *Provinces* should make their last *Appeal*, whereby, as *Nicephorus* affirms, the *Emperor* made it a free City, a *Head* to it self; with full power independant from all others; And as it is in the  
imperial

imperial constitutions; the *Primate* thereof should have all power of Ecclesiastical Jurisdiction, the *Supreme Priesthood*, Supreme Honour and Dignity. This is such an instance, both of *Justinian's Judgment and Power*, contrary to the Popes pretensions of Supremacy, (as granted or acknowledged by the Emperor *Justinian*) that all other Arguments of it are *ex abundanti*; and there is no great need of subjoyning that other great and like instance of his restoring *Carthage* to its primacy after the *Vandals* were driven out; and annexing two new Provinces, that were not so before, to its jurisdiction, without the proviso of submitting it self to *Rome*; though before *Carthage* had ever refused to do it.

*Phocas* the Emperor and Pope *Boniface*, no doubt, understood one another; and were well enough agreed upon the point: But we shall never yield that these two did legally represent the Church and the World; or that the grant of the one, and the greedy acceptance on the other part, could bind all Christians and all mankind, in subjection to his Holiness's Chair for ever.

*Valentinian* said, all Antiquity hath given the principality of Priesthood to the Bishop of Rome: But no Antiquity ever gave him a principality of Power; no doubt he, as well as the other Emperors, kept the Political Supremacy in his own hands.

*Charles the Great* might complement *Adrian*, and call him universal Pope; and say he gave *St. Wilehade* a Bishoprick at his command: But he kept the power of convocating Synods every year, and sate in them as a Judge himself. Auditor & arbiter ad sui: he made Ecclesiastical Decrees in his

his own *Name*, to whom this very Pope—acquitted all *claim* in the *Election* of *succeeding Popes* for ever. A great deal more in answer to both these, you have in *Arch-Bishop Bramhall*. p. 235, 236. and *King James's* defence. p. 50. &c.

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## C H A P. XIX.

*The Popes pretended Ecclesiastical Right.  
Not by General Councils. 8 First.  
To which Sworn. Justi. Sanction.  
Can. Apost. allowed by C. Nice  
and Ephesus.*

**T**Hough it seem below his *Holiness's* present grandeur to ground his Right upon the *Civil Power*, especially when that fails him; yet methinks the *jus Ecclesiasticum*, is not at all unbecoming his pretences, who is sworn to govern the Church according to the *Canons*, as they say the Pope is.

If it be *pleaded*, that the *Canons* of the *Fathers* do invest the Pope with *plenary Power* over all Churches: And if it could be proved too; yet one thing more remains to be proved, to subject the Church of *England* to that his power, viz. that the *Canon Law* is binding and of force in *England* as such, or without our own consent or allow-

allowance: And 'tis impossible this should be proved, while our *Kings* are *Supreme*; and the *constitution* of the *Kingdom* stands as it hath always stood.

However, we decline not the examination of the plea, viz. that the *Popes Supremacy* over the whole Church is granted by the *Canons of Councils*, viz. general: But when this is said, it is but reasonable to demand *which?* or in what *Canons?*

It is said, the Pope receives his Office with an *Oath*, to observe the *Canons* of the eight first general *Councils*; in which of these is the *grant* to be found? Sure so great a *conveyance* should be very legible and *Intelligible*.

We find it very plain, that in some of those *Councils*, and those the most ancient; this *Power* is expressly *denied* him, and that upon such reason, as is *eternal*: and might justly and effectually prevent any such *grant* or *usurpation* of such power for ever; if *future Grants* were to be just and reasonable, or *future Popes* were to be governed by *Right* or *Equity*; by the *Canons* of the *Fathers*, or *fidelity* to the Church, to God or their own solemn *Oaths* at their *Inaugurations*.

But we are prepared for the examination of the *Councils* in this matter, by a very strong *presumption*: That seeing *Justinian* made the *Canons* to have the force of *Laws*, and he had ever shewed himself so careful to maintain the *Rights* of the *Empire* in all causes, as well as over all persons, *Ecclesiastical*; & even *Popes* themselves; 'tis not credible that he would suffer any thing in those *Canons* to pass into the body of the *Laws*, that should be agreeable to the pretended *donation*

nation of *Constantine*; or to the prejudice of the *Emperor's* said *Supremacy*; and consequently, not much in favour of the *Supremacy* claimed by later *Popes*.

*Justin.*  
Sanction  
of four  
first.

*Justinian's* Sanction extended to the four great Councils, *Nic. Constant. Ephes. 1. and Chalcedon*; in these Words, *Θεοι παρισμεν, &c. San- cimus Vicem Legum obtinere Sanctos Ecclesiasticos Canones, qui à Sanctis quatuor Conciliis constituti sunt & confirmati; hoc est Niceno, &c. — prædictorum enim Consiliorum dogmata, sicut divinas Scripturas, accipimus, & Canones sicut Leges observamus.*

Apostles  
Canons  
not menti-  
on. reason.

*Vid. Bin.*  
*To. 1. p. 17.*  
*a.*

*Ibid.*

Perhaps, it may be doubted, why he did not confirm those *Canons* which were then well known by the Title of the *Canons* of the *Apostles*: whether, because their *Authority* was suspected, especially many of them; or, because they were not made by a truly *General Council*; or, because they were *Confirmed* in and with the *Council of Nice and Ephesus, &c.* or lastly, whether, because the *first fifty* had before, a greater Sanction from the *general Reception* of the whole Church; or the greater *Authority* of the Sacred Names of the Authors, the *Apostles*, or *Apostolical men*; I venture not to declare my opinion.

But truly, there seems something considerable for the *later*; for that the *Council of Nice* do not pretend to confirm the *Apostles Canons*, but their own, by the Quotation of *them*; taking *Authority* from *them*, as *Laws*, founded in the Church before to build their own and all future *Canons* and *Decrees of Councils* upon, in such matters as were found there determined.



A great Instance of the probability of this Conjecture we have, full to our present purpose given us by *Binius*, *Nicena Synodus* Can. 6. &c. the *Nicene* and *Ephesine Synods* followed these *Bin. To. 1. p. 20.* *Canons of the Apostles*, appointing that every Bishop acknowledge *summ primum* their Chief and Metropolitan, and do nothing without their own allowed *can. Ap. by c. Nice and Ephesus.* *Diocess*: but rather, the Bishop of *Alexandria*; according to the *Canons* (understand saith *Binius* those 35, 36 of the Apostles) must govern the Churches of *Egypt*; the Bishop of the *East*, the *Eastern Churches*: the *Ephesine Synod*, also saith, it is besides the *Canons of the Apostles*, that the Bishop of *Antioch* should ordain in the *Provinces of Cyprus, &c.*

Hence, it is plain, that according to *Apostles Canons*, interpreted and allowed as *Authentick*, so far at least, by the Synods of *Nice* and *Ephesus*, the Metropolitan was *Primate* or Chief over the Churches within his *Provinces*; and, that he, as *such* (exclusive of all *Forreign Superior Power*) was to govern and ordain, within his own *Provinces*; not consonant to, but directly against the pretended *Supremacy* of the Bishop of *Rome*.

But let us consult the *Canons* to which *Binius* refers, and the matter is plainer.

## SECT. I.

## Can. Apostol.

35. 33.

There is nothing in the *Canons* of the *Apostles* to our purpose, but what we find in *Can. 35, 36.* or in the *Reddition*, as *Binius* gives it, *Can. 33* and *34.*

Τὸς ἐπισκόπους, &c. let the *Bishops* of every Nation know, or they ought to know, who among them is accounted (or is) chief; and esteem him ὡς κεφαλὴν *ut caput*; and do nothing difficult (*aut magni momenti*) *præter ejus Conscientiam, vel Sententiam*: but, what if the matter were too hard for the *Primate*; is no direction given to go to the *Infallible Chair* at *Rome*? here, was indeed a proper place for it, but not a word of *that*.

In the *36* *alias 34.* it is added, that a *Bishop* should not dare to ordain any, beyond the bounds of his own *Jurisdiction*: but neither of these *Canons* concern the *Pope*; unless they signify, that the *Pope* is not *Head* of all Churches, and hath not *power* in any place, but within the *Diocess* of *Rome*: or, that *Binius* was not faithful in leaving out the word κεφαλὴ, or *Head*, in his *Note* upon these *Canons*.

## S E C T. II.

*Council. Nicen. Gen. 1. Bellar. Evasion.*

**V**WE find nothing in the true Canons of the Nicene Synod, that looks our way, except *Can. 6.* and 7. They are thus; τὸ ἀρχαῖα, &c. *Let ancient Custom be kept, through Egypt, Libia and Pentapolis; so, as the Bishop of Alexandria may have power over all these, ἐν εἰσῷ, because also the like Custom is for the Bishop of the City of Rome: τὸ τῶν συνιδέων &c. as likewise in Antioch and other Provinces, let the Privileges be kept in their own Churches: but suppose differences arise; is no Liberty or Remedy provided, by going to Rome? no more, than if differences arise in the Roman Church, they may have Remedy from any other; a Remedy is indeed provided by the Canon; Sin duo aut tres, &c. if two or three do contradict, ἢ πλὴθύνων ἡφ' οὗ · not go to Rome; but obtineat Sententia plurimorum, let the major Vote carry it.*

In the seventh Canon, Custom and Tradition both, are the Grounds upon which the Council confirmed the like privilege of the Church of Hierusalem; because Custom and Ancient Tradition, ut *Alia Episcopus honoretur*, let him have the consequence of Honour, with a Salvo, for the proper Dignity of the Metropolis; but not a word of Rome.

Note, that in *Can. 6.* the Power of the Alexandrian Bishop is grounded upon Ancient Custom (*Antiqua consuetudo servetur*) and not upon the Concession of the Roman Bishop; as *Bellar-*

mine would force it ; and that the like manner or *Custom of Rome*, is but another *Example* of the same thing, as *Antioch* was and the rest of the *Provinces* ; but this ungrammatical and illogical *Evasion* was put off before.

## S E C T. III.

*Concil. Constantinop. Gen. 2. An. 381.*

THE next Council, admired by *Justinian*, as one of the *Gospels*, is that Famous Council of *Constantinople* adorned with 150 *Fathers*. Hath this made any better provision for the *Pope's Supremacy* ? certainly no : for the very first Canon, chargeth us not to despise the Faith of the 318 *Fathers* in the Synod of *Nice* ; which ought to be held firm and *Inviolable*.

The Second Canon forbids the confusion of *Diocesses* ; and therefore enjoyns (*Secundum Regulas constitutas, i. e.*) the Rules of the *Apostles*, and *Nicene Fathers* to be kept : the Bishop of *Alexandria* must govern them in *Egypt* only ; and so the rest, as are there mentioned more particularly, than in *Nicene Canons*.

In the Third, is reinforced the Canon of the former Council against *Ordinations* by Bishops out of their own *Jurisdictions* ; and adds this Reason, that casts no countenance upon any *Foreign Jurisdiction* ; 'tis manifest that the proper *Provincial Synod* ought to administer and govern all things, per quasque singulas *Provincias*, within their peculiar *Provinces* ; secundum ea que sunt in *Nicaea definita*.

This

Can. 1.  
Bin. p. 660.  
Alter. Editio.  
Bin. p. 664.  
Can. 2.

Can. 3.

This third *Canon* honours the Bishop of *Constantinople*, next after the Bishop of *Rome*; as *Binius* renders *πρεσβεία τῆς πρώτης*. But *Binius* is very angry that such a *Canon* is found there, and urgeth many reasons against it; and therefore we shall conclude, that as none of the rest, Bin. To. 1.  
672. so neither doth this *Canon*, confer the *universal* government of the Church upon the Bishop of *Rome*.

SECT. IV.

Concil. Ephesin. Gen. 3. An. Christi  
431.

**T**He third general Council, whose *Canons* *Justinian* passed into *Laws*, is that of *Ephesus*, and this so far abhors from the *grant*, that it is a plain and zealous contradicter of the *Popes* pretensions.

In *Act* the seventh, 'tis agreed against the invasion of the Bishop of *Antioch*, that the *Cyprian Prelates* shall hold their *Rights* untouched and unviolated, according to the *Canons* of the holy *Fathers* (before mentioned) and the ancient *custom*, ordaining their own Bishops; and let the same be observed in other *Diocesses*, and in all *Provinces*, that no Bishop occupy another *Province*, (or subject it by force) which formerly and from the beginning, was not under his power or his *Predecessors*: Or if he have done so let him restore it, that the *Canons* of the *Fathers* be not slighted, nor *Pride* creep into the Church—nor *Christi-*



*stian Liberty be lost. Therefore it hath pleased the holy Synod, that every Province enjoy its Rights and Customs unviolated, which it had from the beginning, ἐξ ἀρχῆς ἀνωθεν, twice repeated, whereby we are to learn a very great Rule; that the bounds of primacies were settled very early, before this Council or any other general Council, before this even at the beginning: and that those bounds ought to be observed to the end, according to the Canons of the Fathers and ancient custom: and consequently, that such as are invaders of others Rights, are bound to make restitution. Now 'tis evident, we were a free Province in England in the beginning, and when St. Augustine came from Rome to invade our Liberties; 'tis evident this Council gave the Pope no power or privilege to invade us: Yea, that what power the Pope got over us in after times, was a manifest violation of the Rights we had from the beginning; as also of the Canons of the ancient Fathers; in the three mentioned sacred and General Councils of Nice, Constantinople, and Ephesus; all grounded upon the *ancient* Canons called the *Apostles*.*

Lastly, such Usurpers were *always* under the obligation of the Canon to *restore* and quit their incroachments; and consequently the *Britannick Churches* were always free to vindicate and reassume their Rights and Liberties, as they worthily did in *Hen. 8.*

## SECT. V.

*Concil. Calcedon, Gen. 4. An, 451. S. W's Gloss.*

There is little hope that this *Council* should afford the Pope any advantage, seeing it begins (*Canones &c.*) with the confirmation of all the *Canons* made by the *Fathers* in every *Synod* before that time; and consequently of those that we have found in prejudice to his pretensions among the rest.

The *Ninth Canon* enjoyns upon differences betwixt Clerks, that the Cause be heard before the proper *Bishop*; betwixt a *Bishop* and a *Clerk*, before the *Provincial Synod*; betwixt a *Bishop* or *Clerk* and the *Metropolitan*, before ἑξάρχον τῆς διοικήσεως, or the See of the Royal City of *Constantinople*. To the same effect we read *Can. 17.* *Can. 9.* *Si quis a suo, &c.* If any one be injured by his *Bishop* or *Metropolitan*, *apud Exarchum seu Primate[m] Dioceseos, vel Constantinopolitam sedem litiget.* *Can. 17.* But

Where is any provision made for Remedy at *Rome*? Indeed that could not consist with the sense of this *Synod*, who would not endure the *Supremacy*, or so much as the *Superiority* of *Rome* above *Constantinople*.

This is evident in *Can. 28* the *Fathers* gave *Can. 28.* privilege to the See of old *Rome*; *Quod Urbs illa imperaret, & eadem consideratione*, saith the *Canon*, and for the same reason an hundred and fifty *Bishops* gave ἴσα πρεσβεία, equal Privileges to the Seat of new *Rome*; recte judicantes, right-ly

ly judging that that City that hath the *Empire* and the *Senate*, should enjoy *equal Priviledges* with old *Royal Rome*, *etiam in rebus Ecclesiasticis non secus ac illa extolli ac magnificeri, secundam post illam existentem.*

*W's* Gloſs.

Now to what purpose doth *S. W.* (to *Dr. Hammond*) trifle on the *Canon*, and tell us that these *Priviledges* were only *Honorary Pumps*; when the *Canon* adds in *Ecclesiastical matters*, and names one, the *Ordination* of *Bishops* and *Metropolitans* *within themselves*; as before was declared by the *divine Canons*. We conclude that this *Bar* against the *Popes universal Pastorship*, will never be removed.

These are the four *first general Councils*, honoured by *Justinian* as the *four Gospels*; to which he gave the *Title* and force of *Laws*. By which all *Popes* are bound (by solemn *Oath*) to *Rule* the *Church*: Yet we find not *one* word in any of them, for the *Popes* pretended *universal Pastorship*: Yea in *every* one of them we have found so much and so directly against it; that as they give him no power to *govern* the *whole Church*; so by *swearing* to observe them in such government as the *Canons* deny him; he swears to a *contradiction* as well as to the *ruine* of his own *pretensions*.

*Argument.*

We conclude from the premises, that now, seeing all *future Councils* seem to build upon the *Nicene Canons*; as that, upon the *Apostles*; if the *Canons of Nice* do indeed limit the *power* of the *Bishop of Rome*, or suppose it to have *limits*; if his cause be tried by the *Councils*, it must needs be *desperate*.

Now if those Canons suppose bounds to be long to every *Patriarchate*, they suppose the like to *Rome*: But 'tis plain, that the bounds are given by those Canons to the Bishop of *Alexandria*; and the reason is, because this is also *customary* to the Bishop of *Rome*. Now 'tis not reasonable to say, *Alexandria* must have limits because *Rome* hath, if *Rome* have no limits.

Pope *Nicolas* himself so understood it, what-  
ever *S. W.* did: *Nicena*, &c. the *Nicene Synod*,  
saith he, conferred no increase on *Rome*, but ra-  
ther took from *Rome* an example, particularly,  
what to give to the Church of *Alexandria*. I.E. Pis. 3.

Whence *Dr. Hammond* strongly concludes,  
that if at the making of the *Nicene Canons* *Rome*  
had bounds; it must needs follow by the *Ephesine*  
Canon, that those bounds must be at all times  
observed in contradiction to the universal Pastor-  
ship of that See.

The matter is ended, if we compare the o-  
ther *Latin Version* of the *Nicene Canon*, with the  
*Canon* as before noted.

*Antiqui moris est ut Urbis Romæ Episcopus habeat principatum, ut suburbicana loca, & omnem provinciam suâ sollicitudine gubernet; quæ vero apud Ægyptum sunt, Alexandrina Episcopus omnem habeat sollicitudinem: Similiter autem & circa Antiochiam & in cæteris Provinciis privilegia propria servantur Metropolitanis Ecclesiis.*

Whence it is evident, that the Bishop of  
*Rome* then had a distinct *Patriarchate* as the rest  
had; and that whatever *Primacy* might be al-  
lowed him beyond his *Province*, it could not  
have any real power over the other *Provinces* of  
*Alexandria*, &c. And 'tis against the plain sense  
of

of the Rule, that the *Antiquus mos* should signifie the custom of the Bishop of Rome's permission of Government to the other Patriarchs, as *Bellarmino* feigneth. This Edition we have in Christopher *Iustellus*'s Library; the Canon is in *Voel. Biblioth. Jur. Cano. Tom. 1. p. 284.*

## S E C T. VI.

Concil. Constant. 2. The Fifth General Conc. of 165 Bishops. An. 553.

Bar. an.

553. nu.

224.

Bin. To. 2.

Not in con.

Const. 5.

**B**aronius and Binius both affirm, that this was a general Council; and so approved by all Popes, Predecessors and Successors of St. Gregory, and St. Gregory himself.

The cause was; Pope Agapetus had condemned *Anthimus*; the matter was afterwards ventilated in the Council: Now where was the Popes Supremacy? we shall see immediately.

After Agapetus, succeeded *Vigilius*: When the Council condemned the *Tria Capitula*, Pope *Vigilius* would defend them; but how did he carry it in Faith or Fact? Did the Council submit to his Judgment or Authority? No such thing: But quite contrary, the Council condemned the *tria capitula* and ended: The Pope for not consenting, but opposing the Council, is banished by the Emperor *Justinian*. Then *Vigilius* submits, and confirms the Sentence of the Council; and so is released from Banishment. This is enough, out of both \* *Baronius* and *Binius*.

\* *Ibid.* N.

223.

The



The Sum is, we condemn (say they as is expressed in the very *Text*) *all that have defended the Tria Capitula*; but *Vigilius*, say the *Historians*, *defended the Tria Capitula*; therefore was *Vigilius* the Pope condemned by this Council: such *Authority* they gave him.

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 S E C T. VII.

*Concil. Constant. of 289 Bishops. 6 General. An. 681 vel 685. Concil. Nic. 7 General. of 350 Bishops. An. 781.*

**B**ellarmino acknowledgeth these to be *sixth* and *seventh* general Councils; and both these he acknowledgeth did condemn Pope *Honorius* for an *Heretick* lib. 4. de *Pont. C. 11.*

For *Bellarmino* to urge that these Councils were deceived in their Judgment touching his opinion, is not to the point; we are not disputing now, whether a Pope may be a *Heretick* in a *private* or *publick* Capacity, in which the Councils now condemned him; though he seems to be a bold man, to prefer his own bare conjecture a thousand years after about a matter of *Fact*, before the judgment of two general Councils, consisting of 659 Bishops; when the cause was fresh, Witnesses living, and all circumstances visibly before their eyes: But our question is whether these Councils did either give to the Pope as such, or acknowledged in him an uncontrollable Authority over the whole Church? The Answer is short, they took that

that power to themselves; and condemned the Pope for *Herésie* as they also did *Sergius* of *Constantinople*.

# SECT. VIII.

*Concil. Gen. 8. Constant. 383 Bishops. An. 870. Conclusions from them all.*

Tom. 3. p.  
149.

**H**OW did this eighth general Council recognize the Popes Supremacy? *Binius* himself tells us; this Council condemned a custom of the Sabbath-Fast in Lent; and the practice of it in the Church of Rome; and the word is, *We will that the Canon be observed in the Church of Rome, inconfuse vires habet.*

'Tis boldly determined against the Mother Church; Rome concerned, reproved, commanded? Where is the Authority of the Bishop of Rome?

Rome would be even with this Council, and therefore, saith *Surius*, she receives not this 55 Canon. (Tom. 2. in conc. Const. 6. p. 1048. ad Can. 65 in Not. Bin.)

But why must this Canon only be rejected? Oh! 'tis not to be endured, that's all the reason we can have. But was not this a general Council? Is it not one of the eight sworn to by every Pope? Is not this Canon of the same Authority (as of the Council) with all the rest? Or is it tolerable to say, 'tis not Authentick because the Pope doth not receive it; and he doth not receive it because it is against himself? *Quia Matrem Ecclesiarum omnium Rom. Ecclesiam repræhendit*

*hendi non recipitur. faith Surius, ibid.*

These are the *eight first general Councils*, allowed by the *Roman Church* at this day: What little exceptions they would defend their *Supremacy* with, against all that hath appeared; are answered in the *Postscript* at the latter end of the book, whither I refer my Readers for fuller satisfaction.

In the mean time we cannot but conclude, *Councils*.

1. That the *Fathers* during *eight hundred and seventy years* after *Christ*, knew no such thing as the *Popes Supremacy* by *divine Right* or any right at all, seeing they opposed it.
2. That they did not believe the *Infallibility* of the *Church of Rome*.
3. That they had no *Tradition* of either that *Supremacy* or *Infallibility*.
4. That 'tis vain to plead *Antiquity* in the *Fathers* or *Councils* or *Primitive Church* for either.
5. That the *Judgment* of those *8 general Councils* was at least the *Judgment* and *Faith*, not only during their *own times*, but till the *contrary* should be decreed by a following *Council* of as great *Authority*; and how long that was after, I leave to themselves to answer.
6. That the *Canons* of those *8 first general Councils*, being the sence both of the *ancient* and the *professed Faith* of the present *Church of Rome*; the *Popes Authority* stands condemned by the *Catholick Church* at this day; by the *ancient Church* and the present *Church of Rome* her self, as she holds *Communion*, at least in profession, with the *Ancient*.
7. That this was the *Faith* of the *Catholick Church*,

Church, in *opposition* to the pretended *Supremacy* of the Pope, long after the eight first General Councils, is evident, by the plain Sense of it, in the said Point, declared by several Councils in the Ages following; as appears both in the *Greek and Latin Church*: a word of both.

### SECRET. IX.

*The Latin Church. Constance. Basil. Councils, &c.*

**T**HE Council of *Constance* in *Germany*, long after; of almost a thousand Fathers; *An. 1415*, Say, they were inspired by the Holy Ghost, and a General Council, representing the whole Church, and having immediate power from Christ; whereunto, obedience is due from all Persons, both for Faith and Reformation, whether in the Head or Members: this was expressly confirmed by Pope *Martin*, to be held inviolable in Matters of Faith; *vid. Suring. Concil. Const. 99. 4. Tom. 3. Conc.* Their great Reason was, the Pope is not Head of the Church by Divine Ordinance; as the Council of *Calcedon* said, a thousand years before.

Now, where was necessary Union and Subjection to the Pope? where was his Supremacy *Jure divino*? where was Tradition, Infallibility, or the Faith of the present Church, for the Pope's Authority? *Concil. Basil. Bin. To. 4. in Conc. Basil. initio.*

The Council of *Basil. An. 1431*. decreed,  
as

as the Council of Constance; Pope Eugenius, would dissolve them; the Council commands the contrary, and suspend the Pope; concluding, that who ever shall question their power therein, is an Heretick: the Pope pronounceth them Schismatics; in the end, the Pope did yield, and not dissolve the Council: this was the Judgment of the Latine Church above 1400 years after Christ; and indeed to this day, of the true Church of France; and in Henry the Eighth's time of England; as Gardiner said; the Pope is not a Head by Dominion, but Order: his Authority, is none, with us; we ought not to have to doe with Rome; the Common Sense of all in England.

Bellarmino saith, that the Pope's Subjection to De Conc. General Councils is inconsistent with the Supreme li. 2. c. 14. Pastorship: 'tis Repugnant to the Primacy of Saint Peter, saith Gregory de Valentia: yet nothing Anal. fid. is more evident, than that General Councils did l. 3. c. 14. exercise Authority over Popes; deposing them; and disposing of their Sees; as the Council of Constance did, three together; and always made Canons in opposition to their Pretensions.

Yea, 'tis certain, that a very great Number, if not the greater, of the Roman Church it self, were ever of this Faith; that General Vid. Dr. Councils are Superior; have Authority over; Hammond's give Laws unto; and may justly censure the dispute. Bishop of Rome. p. 102.

Pope Adrian the Sixth, and very many other Learned Romanists, declared this to be their Judgment, just before, or near upon the time, that Henry the Eighth was declared Supreme in England: So much for the Latine Church.



## S E C T. X.

*The Greek Church. African Can. Synod. Carth. Council. Antiochen. The Faith of the Greek Church since.*

**T**HAT the *Greek Church* understood the *first General Councils*, directly contrary to the *Pope's Supremacy*, is written with a *Sun-beam*, in several other *Councils*.

1. *By the Canons of the African Church.*

Can. 27.

125.

Tom. 1. p. 425.

The 27th Canon forbids all *Transmarine Appeals*; threatens such as make them with *Excommunication*; makes order that the last *Appeal* be to the proper *Primate*, or a *General Council*; to the same effect, is the 137 Canon; and the *Notes of Voel*, upon these *Canons*, put it beyond question, that in the *Transmarine Appeals*, they meant those to *Rome*; as it is expressed, *the Church of Rome, and the Priests of the Roman Church*.

2. *Const. Council. Antiochen.*

This *Council* is more plain: it saith, if any *Bishop*, in any *Crime*, be judged by all the *Bishops* in the *Province*, he shall be judged in no wise by any *Other*: the *Sentence* given by the *Provincial Bishops*, shall remain firm. Thus the *Pope* is excluded, even in the case of *Bishops*, out of his own *Province*; contrary to the great pretence of *Bellarmino*, *ibid.*

3. *Syn.*

## 3. Syn. Carthag.

This Synod confirmed the twenty Canons of Nice; and the Canons of the African Councils: and then, in particular, they decreed, *ab Universalis*—*Si Criminosus est non admittatur*: again, if any one, whether Bishop or Presbyter, that is driven from the Church, be received into Communion (by another) even he that receives him is held guilty of the like Crime: *Refugi- entes sui Episcopi regulare Judicium*.

Again, if a Bishop be guilty, when there is no Synod, let him be judged by twelve Bishops; *Secundum Statuta Veterum Conciliorum*, the Statutes of the Ancients knew no reserve for the Pope in that Case.

Further; no Clergy-man might go beyond the Seas, viz. to Rome, without the Advice of his Metropolitan; and taking his *Formatam*, vel *Commendationem*.

The 28 Canon is positive, that Priests and Deacons shall not Appeal, *ad Transmarina Judicia*, viz. to Rome; but to the Primates of their own Provinces: and they add, *Sicut & de Episcopis sæpe constitutum est*: and if any shall do so, none in Africa shall receive them; and Can. 125. 'tis renewed; adding, the African Councils, to which Appeals are allowed, as well as to the Primates; but still Rome is Barr'd.

*The Sence of the Greek Church, since.*

Now when did that Church subject it self to Rome in any Case? our Adversaries acknowledge

ledg the *early* contests betwixt the *Eastern* and *Western* Churches, in the point of *Supremacy*; where, then, is the Consent of *Fathers*; or *Universality* of *time* and *place*, they use to boast of?

*Bellarmino* confesseth, that *An. 381.* to the time of the Council of *Florence*, viz. 1140 years, the *Greek Church* disclaimed subjection to the *Pope*, and Church of *Rome*; and he confesseth, they did so, in several *general Councils*.

And he doth but pretend, that *this Church* submitted it self to *Rome*, in the Council of *Florence*, *An. 1549.* for the contrary is evident, in that they would not yield, that the *Pope* should choose them a *Patriarch*; as *Surinus* himself observes, *Tom. 4. p. 489.*

*Mald. in*  
*Math. 10.*  
*2.*  
*Prate. in*  
*Her. Tit.*  
*Gre.*  
*Vid. St.*  
*Aug. To. 2.*  
*Epist. 162.*

So true is it, that *Maldonate* and *Prateolus* acknowledge and Record; the *Greek Church* always disliked the *Supreme Dignity* of the *Pope*; and would never obey his *Decrees*.

To conclude, the Law of the *Greeks* hath always been against the *Pope's Supremacy*; the *Fundamental Law* was, a *prohibition of Appeals* to *Rome*: therefore, that *Church* acknowledged no absolute *Subjection* to *Rome*. 2. They excommunicate all *African Priests* *Appealing* to *Rome*; therefore, they held no necessity of *Union* with *Rome*. 3. They excommunicate all such (*qui putaverint*) as should but think it lawful to *Appeal* to *Rome*; therefore, they had no *Faith* of the necessity of either *Union* or *Subjection* to the Church of *Rome*.

Enough, to the *Pope's* prejudice, from the *Councils* of all sorts: we must, in the foot of the account, mind our *Adversaries*, that we have

have found no colour for the pretence of a Grant, from any one General Council, of the Pope's Authority; much less over the Church of England: which, their Plea from the Canons, expressly requires at their hand.

For, my Lord Bramball, with invincible Reason, affirms: *We were once a free Patriarchate, independent on any other*: and, according to the Council of Ephesus, every Province should enjoy its Ancient Rights, pure and inviolate: and that, no Bishop should occupy any Province, which did not belong to him, from the beginning; and, if no true General Council, hath ever since, Subjected Britain, under the Roman Court; then, saith he, the case is clear, that Rome can pretend no Right over Britain, without their own consent; nor, any further; nor, for any longer time; then, they are pleased to oblige themselves.

We must expect, therefore, some better Evidence, of such Grant to the Pope; and such Obligation upon England, by the Canons of some truly General Council; and we may still expect it; notwithstanding the Canons of Sardice: which, yet shall be considered; for it is their (faint) colour of Antiquity.

## S E C T. XI.

*The Sardican Canons. No Grant from the Matter, manner or Authority. No Appendix to Council of Nice. Zoizimus his Forgery never Ratified; nor thought Universal; after contradicted, by Councils.*

**T**He Pope at length usurped the Title, and pretended the Power of Supreme; and the Canons, in time obtained the Name of the Pope's Decrees; but the question is, what General Council gave him either?

Doctor *Stillingsfleet* observes, that nothing is more apparent, than, that when Popes began to pick up, they pleaded nothing but some Canons of the Church for what they did; then their best and only Plea, when nothing of Divine Right was heard of; as *Julius*, to the Oriental Bishops; *Zozimus* to the African; and so others: but still what Canons?

Arg.  
P. 193.

The Romanist, against Arch-Bishop *Laud*, argues thus: it was ever held lawful to Appeal to Rome from all Parts; therefore the Pope must be Supreme Judge: this, saith he, is evidenced by the Sardican Canons; accounted anciently, an Appendix to the Council of Nice; this he calls an answerable Argument.

Ans.

But it is more than answered; if we consider, either, the Matter, or the Manner, or the Authority of these Canons.

i. The



1. The *Matter*, said to be granted, appears in the words themselves, Can. 3. it is said, *ei dñkē*: if it seem good to you, let us honour the Memory of Saint Peter, and by those Bishops that are Judges, *Scribatur Julio, Romanorum Episcopo*; and by the next Bishops of the Province, if need be, let the Judgment be revoked; & *cognitores ipse prebeat*.

1. For the matter of these Canons.

But 1. here is no *Grant*, so much as of *Appeal*, only of a *Review*. 2. 'Tis not pretended to be according to any former *Canons*. 3. The Judgment is to be *revoked* by a *Council* of Bishops chosen for the purpose. 4. The request seems to terminate in the *Person* of *Julius*, and not to extend to his *Successors*; for else, why should it be said to *Julius* Bishop of *Rome*, and not to the Bishop of *Rome* absolutely?

2. The *Manner* of the *Motion* spoils all: if it please you; did the *Universal Pastorship* then lie at the feet, or depend upon the pleasure of this *Council*? did no *Canons* evidence the *Pope's Power*, and *Right* till then? eleven years after the death of *Constantine*? besides, how unworthily was it said, let us honour the Memory of Saint Peter; did the *Pope's Succession* of Saint Peter depend upon their pleasure too?

3. But lastly, the main exception, is against the *Authority* of this *Council*; or, at least, of this *Canon*; as *Cusanus* questions, *Concord. Cathol. lib. 2. c. 15*.

No Appendix to Nice Can.

1. 'Tis certain, they are no *Appendix* to the *Council of Nice*; wherein their strength is pretended to consist; though, *Zozimus* fraudulently sent them, under that Name to the *African Bishops*; which can never be excused; for they

are now known to have been made *twenty two* years, after that Council.

Zozimus's  
Forgery.

Upon that pretence of Zozimus indeed, a Temporary Order was made in the Council of Africk; that Appeals might be made to the Pope, till the true Canons of Nice were produced; which afterwards being done, the Argument was spoiled; and that Pope, if possible, was put to shame: hereupon, that excellent Epistle was written to Pope Celestine, of which you had account before.

Not re-  
ceived.

2. This Council was never ratified by the Reception of the Catholick Church; for the Canons of it were not known by the African Bishops, when Zozimus sent them, and Saint Augustine discredits them; saying, they were made by a Synod of Arrians.

Or  
thought  
Universal

3. It is evident, that this Council was never accounted truly Universal; though Constance and Constantius intended it should be so: for, but seventy of Eastern Bishops appeared, to three hundred of the Western; and those Eastern Bishops, soon withdrew from the other, and decreed things directly contrary to them: So that Balsamon and Zonarus, as well as the Elder Greeks, say, it can only bind the Western Churches: and indeed, it was a long time before the Canons of it were received in the Western Church; which is the supposed reason, why Zozimus sent them, as the Nicen, and not as the Sardican Canons.

De Conc. L.  
16. 37.

4. After the Eastern Bishops were departed, there were not Patriarchs enough, to make a General Council; according to Bellermin's own Rule. Consequently, Venerable Bede leaves

leaves it out of the *Number*: the *Eastern Churches* do not reckon it among their *Seven*, nor the *Western* among their *Eight* first *General Councils*. The *English Church*, in their *Synod at Hedsfield*, *An. 680.* left it out of their *Number*, and embrace only the Council of *Nice*, the first of *Constantinople*, the first of *Ephesus*, the first and second of *Calcedon* to this day.

Therefore *Arch-Bishop Bramhall*, had reason to say, that this *Council* was never incorporated into the *English Laws*, and consequently, hath no force in *England*: especially, being urged in a matter contrary to the *Famous Memorial of Clarendon*; a *Fundamental Law* of this Land: all *Appeals* in *England* must proceed regularly, from the *Bishop* to the *Arch-Bishop*, and from him to the *King* to give order for *Redress*.

But to wipe away all colour of Argument; what ever Authority these *Canons* may be thought to have in other matters, 'tis certain they have none in this matter of *Appeals*; for, as to this Point the undoubted *General Councils*, afterward decreed quite otherwise; reducing and limiting *Appeals* ultimately to the *Primate* of the Province, or a *Council*; as hath been made to appear.

When, I heare any thing of moment urged, from any other *Council*, as a *Grant* of the pretended *Supremacy* to the *Pope*, I shall consider what may be answered; till then, I think there is an end of his Claim, *Jure humano*; either, by a *Civil* or *Canonical Grant*; by *Emperors* or *General Councils*. So much hath been said against, and so little to purpose, for the *Council of Trent*, that I shall excuse my self and my

Reader from any trouble about it.

Epist. Synod. Conc. Basil.

But I must conclude that the *Canons* of the Council of *Trent* were never acknowledged or received by the *Kingdom of England* as the Council of *Basil* was, which confirmed the Acts of the Council of *Constance*; which Council of *Constance* without the presence or concurrence of the Pope, did decree themselves to be a lawful complete general Council Superior to the Pope; and that he was subject to their censures; and deposed three Popes at a time. The words of the Council are remarkable, The Pope is subject to a general Council, as well in matters of Faith as of manners; so as he may not only be corrected, but if he be incorrigible, be deposed.

To say, this Decree was not conciliarly made; and consequently not confirmed by Pope *Martin* the fifth signifies nothing; if that *Martin* were Pope; because his Title to the Papacy depended merely upon the Authority of that Decree. But indeed, the word Conciliariter was spoken by the Pope upon a particular occasion, after the Council was ended and the Fathers were dismissed; as appears in the History.

## C H A P. XX.

Of the Popes Title by Divine Right.  
The Question. Why not sooner? 'Tis  
last Refuge.

**T**He modern Champions of the Church of Rome, sleight all that hath been said; and judge it beneath their Master and his Cause to plead any thing but a *Jus divinum* for his pretended Supremacy; and indeed will hardly endure and tolerate the question, Whether the Pope be universal Monarch; or Bishop of the whole Church as St Peter's Successor, *Jure divino*?

But if this point be so very plain; may I have leave to ask, why was it not urged sooner? why were lesser inconsistent Pleas, so long insisted on? why do not many of their own great men discern it to this day?

The truth is, if the managery of the Combat all along be seriously reflected on, this Plea of divine Right seems to be the last Refuge; when they have been driven by Dint of Argument out of all other Holds, as no longer to be defended. And yet give me leave to observe, that this last ground of theirs, seems to me to be the weakest, and the least able to secure them; which looks like an Argument of a sinking cause.

However, they mightily labour to support it, by these two Pillars, 1. That the government  
of



of the whole Church is *Monarchical*. 2. That the Pope is the *Monarch*; and both these are *Jure divino*: But these *Pillars* also must be supported, and how that is performed we shall examine.

### SECT. I.

*Whether the Government of the whole Church be Monarchical, by Divine Right? Bellar. Reason. Scripture.*

**B**ellarmino hath flourished with this argument through no less than eight whole Chapters, and indeed hath industriously and learnedly beaten it as far as it would go; and no wonder if he have left it thin.

What *solidity* is in it, we are to weigh both from Reason and Scripture.

*Not from Reason in 3 Arg.*

Arg. 1.

From Reason they argue thus: God hath appointed the *best* and most profitable Government: (for he is most wise and good) but *Monarchical* Government is the *best* and most profitable.

Ans.

'Tis plainly answered that to know which is the best Government, the *state* of that which is to be governed must be considered; the end of Government being the profit and good of the State governed; so that unless it appear that this kind of Government be the most convenient for the State of the Church, nothing is concluded.

2. We

2. We believe that *God* hath the care of the *World*, and not only of the Church; therefore in his *wise* and *good Providence*, he ought to have settled the *World* under the best and most profitable Government, viz. under one *universal Monarch*.

3. *Bellarmino* himself grants, that if *particular Churches* should not be gathered, *inter se*, so as to make one, (visible, *Political Body*) their own proper *Rector* would suffice for every one, and there should be no need of one *Monarch*.

But all *particular Churches* are not one visible *political Body*, but, as *particular Bodies*, are complete in themselves; enjoying all parts of *ordinary Worship* and *Government* singly; neither is there any part of *Worship* or *Government* proper to the *Oecumenical Church*, *quæ talis*.

4. The Argument seems *stronger* the contrary way: *God* is good and wise, and hath appointed the *best Government* for his own Church; but he hath not appointed that it should be *Monarchical*: Therefore that kind of Government seems not to be the *best* for his Church. *Christ* might foresee the great *inconveniences* of his Churches being governed by one *Ecclesiastical Monarch*, when divided under the several *secular Powers* of the *World*; though the *Ambition* of men overlook it and consider it not.

Yet that the Government of the Church appointed by *God*, as *best* for it, is *Monarchical*, is not believed by all *Catholicks*. The *Sorbon Doctors* doubt not to affirm, that *Aristocratical Government* is the *best* of all, and most agreeable to the nature of the Church. *De Eccl. Polit. pœst. an.* 1611.

6. But what if we yeild the whole Argument: as the government of the Church is *Imperial*, 'tis in Christ, the *Universal Monarch* over it; but he being in a *far Country*, he governs the several *parts* of his Church in distinct *Countries*, by visible *ministerial Monarchs* or *Primates*, proper to each: The distinction of *imperial* and *ministerial Power*, is given us in this very case by our *Adversaries*: There is nothing unreasonable, unpracticable, or contrary to the *practice* of the world in the *Assertion*. We grant that *Monarchy* is the best kind of Government in a *due Sphere*; the *World* is wide enough for many *Monarchs*, and the *Church* too: The Argument concludes for *Primates* over *Provinces*; not for an *universal Monarch*, either over the *world* or the whole *Church*.

Arg. 2. 2. The Church cannot be *propogated* (as *Bell.* argues) without a *universal Monarch*, to send *Preachers* into other *Provinces*, &c.

Ans. Who can doubt but that the *Governors* of any Church, have as much *Power* to send any of her *members*; and have as much power in *Pagan* and *Infidel Countries* as the supposed *Universal Bishop*? And if *Hereticks* can propagate their *errors*, why should not the *Orthodox*, the *Truth*, without the *Pope*?

Arg. 3. 3. 'Tis necessary (saith *Bellar.*) that all the faithful should have *one Faith*, which cannot be without one *chief Judge*.

Ans. In *necessaries* they may, in other things they need not; as appears sufficiently among the *Romanists*, about *this* as well as *other points*; neither could *Peter* himself, with the help of the rest of the *Apostles*, in their time prevent *Here-*  
fics

ties and Schisms. These things are too weak to bear up the great power and *Universal Monarchy* pretended; and indeed an impeachment of the *wisdom* and *goodness* of Christ; if he have not provided such a Government for his Church as they plead a *necessity* of, for the said ends. The thing next to be enquired.

2. *Not from Scripture Prophecies, Promises, Metaphors, or Example of High-Priest.*

They affirm, that the *Scriptures* evince an *universal Monarchy* over the Church: but how is it proved?

The *Prophecies* and *Promises* and sundry *Me-* Arg.  
*taphors* (of a *House*, *Kingdom*, *Body*, *Flock*, &c.) prove the Church to be *one* in it self; and consequently it must have *one Supreme Governor*.

We are agreed, that the Church is but *one*; and that it hath *one Supreme Governor*: And Ans.  
we are agreed, that Christ hath the *Supreme Government* of it, and that those *Scriptures* too signifie that *he* is *such*; if we consider the Government to be *Imperial*, as *Hart* confesseth to Dr. *Raynolds*: And thus the Argument passeth without any *harm*; but it still rests to be proved that the *ministerial Governor* is but *one*; or that the *Scriptures* intend so, or St. *Peter* or the Pope, as his *Successor*, is that *one Governor* over the whole Church.

'Tis true; as our *Saviour* saith, there is one *Flock* and one *Shepherd*, but 'tis as true, which he saith in the same place; *I am that good Shepherd*; but as that one *principal Pastor*, had many *Vicars*, not *Peter* only but 12 *Apostles*, to ga-  
ther

ther and feed the Sheep ; who were therefore sent to *Preach to all Nations* : And did, as it said, divide the *World* into 12 *Provinces* respectively. So that one great *Monarch* might have many *Viceroy's*, if we may so call the future *Bishops* to govern the Church ; though in *Faith* but one, yet in *site* and place divided : 'Tis no unreasonable thing, that the *King of Britain and Ireland*, should Govern *Scotland and Ireland*, which lye at some distance from him, by his *Deputations* as before was hinted.

Arg. 2. There was one *High-Priest* over the Church of the *Jews* ; and by *Analogy* it ought to be so, in the *Christian Church*.

Ans. Many things were in that Church which ought not to be in this.

They were one *Nation* as well as one *Church* ; and if every *Christian Nation* have one *High-Priest* the *Analogy* holds well enough.

The making the *Nations* of the *World* *Christian*, hath, as experience shews, rendred the Government of the Church by one person, that cannot reside in all places, very inconvenient if not impracticable.

Now if our *Saviour* foresaw this ; and hath ordered the government of the *Christian Church* otherwise, than *Moses* had that of the *Jews*, who shall say, *What hast thou done ?*

2. It can never be proved, that the *High-Priest* over the *Jews*, was either called the *Judge*, or had such *Power* over that Church, as the *Pope* pretends over the *Christian*.

Lastly, 'tis not doubted but *Moses* was Faithful, and *Christ* as faithful in appointing a fit Government for these great and distinct States of the Church :

Vid. Ray.  
and Hart.  
p. 240.



Church: But what kind of Government *Moses* appointed, is nothing to the question; unless it appear that *Christ* hath appointed the same. The proper question is, whether *Christ* hath appointed that the *Christian Church* should be governed by one universal Monarch, let us apply to that.

The great issue is, the instance of *St. Peter*. 'Tis affirmed that our *Lord* committed the Government of the *Christian Church* to *St. Peter*, and his *Successors*; the *Popes of Rome* for ever.

A *Grant* of so great consequence ought to be Ar. 3. *Petr.* very plain, the whole *World* is concern'd and may expect Evidence very clear. 1. That *Christ* gave this universal Supremacy to *St. Peter*. And 2. To the *Pope* as his *Successor*; if either fail; *Roma Ruin*.

## SECT. II.

Of *St. Peter's Monarchy*. Tu es Petrus.  
*Fathers abused.*

**W**E are now come to the quick. The first great question is; Whether *Christ* gave his *Apostle St. Peter* the Government of his whole Church. This would be proved from *Matth.* 16. 18. Thou art *Peter*, and upon this *Rock* I will build my Church. The Argument is, what *Christ* promised he gave, but in these words *Christ* promised to make *Peter* the Supreme Head and Governor of his Church; therefore this Power was given him.

I Scrip.  
Matth. 16:  
18.

If

Ans.

If this Argument conclude, by [*this Rock*] must be meant *St. Peter*; and the words [*I will build my Church upon it*] must signifie the committing the *Supreme Power* of the Church to him.

For the First, It is at least a controverſie among the ancient *Fathers*; and many of them do deny that by *this Rock* we are to understand any thing, but that *Confession* which was evidently the occasion of this *Promise*, and was made by *Peter* juſt before, as *St. Cyril, Hilary, Jerom, Ambroſe, Baſil, and St. Auguſtine*, whoſe *Lapſus humanus* in it is reproved by *Stapleton. Princ. doct. li. 6. c. 3.*

But I am willing to agree as far as we may; and therefore ſhall not deny, but ſomething peculiar to *St. Peter's Perſon* was here promiſed; (though I believe it was a point of *Honour*, not a *Supremacy of Power*;) what that was will appear by the thing promiſed, *I will build my Church*—that is, upon my Doctrine preached by thee. I will build my Church, thou ſhalt have the honour of being a prime and principal *Author* of the *Worlds Converſion*; or as *Dr. Reynolds* againſt *Hart*: *Peter*, was in order with the *fiſt* who believed; and amongſt thoſe *Fiſt*, he had a mark of Honour in that he was named *Stone* above his Brethren. Yet as he, ſo the Reſt are called *Foundations*; and indeed ſo were in both theſe *Sences*: For the *Twelve* were all *Prime Converts*, and *converters* of others; and were *Foundations* in their reſpective *Provinces* on which others were built: But they were not built one upon another, and they had no other *Foundation* on which they themſelves were built but *Chriſt himſelf*.

We

P. 60.

We are willing to any thing, that the *Sence* of the words will conveniently *bear*; but that they should signifie *Power* and *Government* over the whole Church, and the rest of the *Apostles*, we cannot understand: for, the *Rock* is supposed before the *building* upon it; and the *building* before the *Government* of the house; and the *Government* of the Church, cannot tolerably be thought to be of the *Foundation*, or first *building* of the Church; but for the *Preservation* or *Augmentation* of it after its *existence* is supposed.

Perhaps there is ground to allow, that *Peter's* Foundation was the first; as his *Name* was first among the *Apostles*; and that this was the reason of that *Primacy* of Order and Dignity which some of the *Ancients*, in their writings acknowledged in Saint *Peter*: but certainly, Paul had the same Primacy over Barnabas, that Peter over Apost. as St. Amb. in 2 ad. Gal. there is need of a plainer Text to argue this Text to signifie that *Supremacy* of Power over the rest of the *Apostles* and the whole Church; which is so hotly contended for by our Romish Adversaries to be given Saint *Peter*: however, after the *Resurrection* of Christ, all were made equal, both in *Honour* and *Power*; as Saint *Cyprian* saith, *de Unita: Eccles.*

But it is urged, that the other Part of the 2. Script. Promise, is most clear, to thee will I give the Matth. 16. Keys of the Kingdom of Heaven, viz. the fulness 19. of Celestial Power, as *Hart* expressed it.

Our Answer is, that Christ, here, promised no Answ. more Power to *Peter*, than he performed to all the *Apostles*: *Peter's* Confession was made in the *Name* of all; and Christ's Promise was made to *Peter* in the *Name* of all; and no-  
 Q thing

thing can be clearer, either in the *Text*, or in *Fact*.

The *Text* is plain; both, in it self, and in the Judgment of the *Fathers*; that *Peter* stood in the room of the rest; both when he made the *Confession*, and received the *Promise*, *Vid. St. Aug. in Joh. Tract. 118. St. Ambr. in Psal. 38. Jerom. adv. Jovi: li 1. Orig. in Math. Tract. 1. Hilary de Trinit. l. 6. &c. Cardinal. Cusan.* is plain in this Point also.

*Vid. Con-  
cor. Cottrol.  
l. 2. c. 13.*

And, that it did *equally* concern the rest of the *Apostles*, is evident, by the *performance* of it. A *Promise*, is of something *de futuro*: our Saviour saith to *Peter*, I will give thee the *Keys*; but *when* did he do it? and *how* did he do it? Certainly at the time, *when* he delivered those words recorded, *John 20. 21, 23.* And after the *manner* there expressed, and by that *Form* of Words: now, are not those Words spoken by Christ *equally* to all the *Apostles*? *As my Father sent me, so do I send you; whose soever sins ye remit, &c.* nothing plainer.

To say, that Christ gave not the *Keys* to all; but only the *Power* of remitting and retaining sins, seems pitiful, unless some other proof be offered, that Christ did actually perform this *Promise* to Saint *Peter* *apart*; and give him the *Keys* at some other time, in *distinction* to the *Power* given in the 20. *John* to all together.

*Remitting and retaining sins*, is certainly the *Power* of the *Keys*; and so called, by the *Council* of *Trent* it self, *Chatech. in Sacram. Panit.* and 'tis not the *keeping*, but the *Power* of the *Keys*, is the question; and indeed *Bellarmino* proves, that the *whole* *Power* of the *Keys*, and not a *part* only, as *Stapleton* supposed, was granted

granted to all the Apostles in the Words *John* 20. to be the general interpretation of the *Fathers*, in *Pral. Rom. Controv. 4. q. 3. de Sum. Pontif.*

*Stapleton* from *Turrecrem*; distinguisheth betwixt the *Apostolick*, and the *Episcopal* Power; and they grant, that the *Apostolick* Power was equal in all the Apostles, and received immediately from *Christ*; but the *Episcopal* Power was given to *Saint Peter* with the *Keys*; and immediately and by him, to the rest.

From *Turrecrem*.

This is a new shift: else, why is the Title, *Apostolical*, given to the *Pope*, to his *See*, to all *Bishops*, &c. seeing the *Pope*, according to the fineness of this distinction, doth not succeed *Peter*, as an *Apostle*, but as a *Bishop*.

'Tis as *strange*, as new: seeing the Power of the *Keys*, must as well denote the *Episcopal* Power of the rest of the Apostles, as of *Peter*; and the Power of using them, by remitting, &c. was given, generally and immediately, by *Christ* to them all alike.

This distinction of *Turrecremata*, was, as *Reynolds* against *Hart* sheweth, spoiled, before *Doctor Stapleton* new-vamped it, by two learned *Friars*, *Sixtus Senensis* and *Franciscus Victoria*; evidencing both out of the *Scriptures*, that the Apostles received all their Power immediately of *Christ*; and the *Fathers*, that in the Power of *Apostleship* and order, (so the two Powers were called) *Paul* was equal to *Peter*; and the rest, to them both.

*Relat. 2. de Potest. Eccl.*

*Bibli. Sanc. l. 6. annot.*

269 & 271.

Therefore, this distinction failing, another is invented, and a third kind of Power is set up; viz. the Power of *Kingdoms*; and now from the threefold Power of *Saint Peter*; *Apostola-*



1. In Com.  
ad Gal.

2. Advers.  
Jovin. &  
ad Evag.

3. Advers.  
Jovin. &  
Lucif.

us, *Ordinis, Regni*, it is strongly affirmed: 1. Touching the *Apostleship*, Paul, as *Jerom* saith, was not inferior to *Peter*; for he was chosen to preach the Gospel, not by *Peter*, but by God, as *Peter* was. 2. Touching the Power given in the *Sacrament of Order*, *Jerom* saith well too; that all the *Apostles* received the *Keys* equally; and that they all, as *Bishops*, were equal in the degree of *Priesthood*, and the *Spiritual Power* of that degree: thus the first distinction is gone. But, thirdly, touching the Power of *Kingdom*, *Saint Jerom* saith best of all, that *Peter* was chosen among the *Twelve*, and made the *Head* of all, that all occasion of *Schism* might be removed.

These are Phantries of the *Schoolmen*; but where are they grounded? we are seeking for *Saint Peter's Supremacy*, in the *Scripture*; where do we there, find this Power of the *Kingdom* given him by *Christ*? or what *Ancient Father* ever so expounded this *Text* of the *Keys*?

We grant, many expressions are found in the *Fathers*, in honour of *Saint Peter*: *Saint Augustine* affirms his *Primacy* is conspicuous and pre-eminent with excellent Grace: *Saint Chrysostom*, calleth him the *Mouth*, the *Chief*, the *Top* of the *Company*; *Theodoret* stiles him, the *Prince*; *Epiphanius* the *Highest*; *Saint Augustine* the *Head*, *President* and *first* of the *Apostles*; which he proveth out of *Saint Cyprian*, who saith, the *Lord* chose *Peter* first; and *Saint Jerom* saith, he was the *Head*, that occasion of *Schism* might be taken away, and gives him the honour of *great Authority*; all these were used by *Hart* against *Raynolds*.

To them all, Doctor *Raynolds* gives cleer and satisfactory answers shewing largely that they signifie nothing but a *Primacy of Election*, or *Order*, or *Dignity*, or *Esteem*, and *Authority* in that Sence : or a *Primacy in Grace* and Gifts, viz. a *Principallity* or *Chiefness in Worth* ; or a *Primacy of Presidenship* in Assemblies, as the *Mouth* and *Moderator* ; or the *Head of Unity* and *Order*, as *Jerom* means : but 'tis not to be proved from any or all of these *Encomiums* , that the *Fathers* believed that the other *Apostles* were under Saint *Peter* as their *Governour* ; or that he had any *real Power* given him by *Christ* more than they.

The Words of Saint *Cyprian* are plain and full : albeit *Christ*, saith he, gave equal Power to all the *Apostles* after his *Resurrection* ; and said, as *my Father*, &c. yet to declare *Unity*, he disposed by his *Authority*, the *Original* of that *Unity* , beginning in *one* : no doubt, saith he, the rest were the same that *Peter* was ; endued with the like fellowship (*pari Consortio*) of *Honour* and *Power* ; but, the beginning doth come from *Unity*, that the *Church of Christ* may be shewed to be but *one*.

I. St. Cyp. de  
Unit. Eccl.

Thus, this Topick of the *Fathers*, expounding the *Text*, being found to fail ; another device, and such a one as the very detection, both answers and shames the Authors , is fled unto ; viz. to corrupt instead of purging the *Fathers* ; and to make them speak home indeed.

The place of Saint *Cyprian*, just now set, is a very clear instance of this black Art, allowed by the *Popes* themselves ; the place in the former Prints, was, as it is set down, in the *Roman-purged-*

In Opusc.  
Contr. Græc.

Against  
Hart.

Cyprian; is thus altered by addition of these words, *And the Primacy is given to Peter.* Again he appointed one Church, and the Chair to be one; and to make all sure, the *Antwerp Cyprian* addeth conveniently *Peter's Chair*; And then, saith he, who forsaketh *Peter's Chair*, on which the Church was founded, &c. And by this time *Peter's Primacy* is the *Popes Supremacy.* *Vid. Dr. Rayn. p. 210, 211.*

But *Tho. Aquinas* hath dealt worse with *St. Cyril*, Fathering a *Treasure* upon him which he never owned, beyond all tolerable defence. To the *Grecians* *St. Cyril* is brought in speaking thus: *Christ did commit a full and ample power both to Peter and his Successors—The Apostles in the Gospels and Epistles have affirmed (in every Doctrine) Peter and his Church to be instead of God; and to him, even to Peter, all do bow by the Law of God, and the Princes of the World are obedient to him, even as to the Lord Jesus; and we as being Members must cleave unto our Head, the Pope and Apostolick See, &c.*

Now either *St. Cyril* said thus, or not: If he did; who will believe him, that shall make such *Stories*, and Father them upon every *Doctrine* in the *New Testament*, contrary to common sense, and the knowledge of all; or trust his cause to the interpretation of such *Fathers.* But if *this Book* called *St. Cyril's Treasure*, be none of *St. Cyril's*, as certainly it is not; then though I am provoked, I shall say no more; but that we should weigh the *Reasons*, but not the *Authority* of such a *Schoolman*, especially in his *Masters Cause.* 'Tis certain, the words are not to be found in those parts of *Cyrl's Treasure*, which are *Extant*, as

Hart

Hart acknowledgeth to Dr. Reynolds.

Yet the abuse of *single Fathers* is not so hainous a thing, as *Thomas* committed against 600 *Bishops* <sup>*Ibid.*</sup> even the *General Council* of *Calcedon*, when he saith they decreed thus. *If any Bishop be accused let him appeal freely to the Pope of Rome, because we have Peter for a Rock of Refuge; and he alone hath Right with freedom of Power, in the stead of God, to Judge and Try the crime of a Bishop, according to the Keys which the Lord did give him; calling the Pope the Holy Apostolick and universal Patriarch of the whole World.* Now in that *Council* there is not a word of all this; and they answer, *Hereticks* have rased it out, if you will believe it, but neither *Surius* nor *Caranza* find any thing wanting. I shall only make this Note, that seeing the *Fathers* have been so long in the hands of those men that stick at nothing that may advance the *Power* of their *Master*: 'Tis no wonder that their learned *Adversaries* are unwilling to trust their cause with such Judges, but rather appeal to the true *Canon* and call for *Scripture*.

One would think this were enough: but this Opinion of the equality of *Power* among the *Apostles*, was not only the concurrent Judgment of the *Ancients*, but even of learned *later men* in the Church of *Rome* even from these words, *Tues Petrus &c.* upon unanswerable Reason. *Lyra*, on *Matth.* 16. *Durand* a *St. Porciano* in 4 *Cent. dist.* 18. q. 2. both in the 14 *Cent.* and *Abulensis* in the 15 *Cent.* the latter argues earnestly, that none of the *Apostles* did understand those words of *Christ*, to give any *Supremacy* to *Peter*; for afterwards they contended for *Superiority*, *Matth.*

In *Matth.* 18. q. 7. In *Matth.* 20. q. 83, 84.

18. and after that the two *Sons of Zebedee* desire it, *Matth. 20.* and at the *last Supper* the question is put again, *Luke 22.* Therefore he concludes, they thought themselves equal till *Christs death*, when they knew not which of them should be *greatest.* *Cusanus* his contemporary *de concord. Cath. l. 2. c. 13. and 34.* and *Fran. Victoria.* This was the interpretation of all the *Doctors of Paris*, and of *Adolphus Arch-Bishop of Cologne*, and of the *Bishops of his Province*; the *Decrees of whose Synod*, with this interpretation, were ratified in every point by *Charles the Fifth*, and enjoined to be observed.

Bin. Conc.  
an. 1549.

Thus the chief ground of *St. Peter's Supremacy* is sunk, and there is little hopes that any other *Text* will hold up that weighty *super-structure.*

Joh. 21.  
14, &c.

Another Scripture much insisted on for the support of *St. Peter's Supremacy*, is *Joh. 21. 14, 15, 16.* *Peter lovest thou me, feed my Sheep, feed my Lambs:* Wherein is committed to *Peter* the power of the whole Church.

Ans.  
an.

'Tis answered, this Text gives not any Commission or power to *St. Peter*; it gives him charge and Commandment to execute his Commission received before. Now it hath appeared sufficiently, that the Commission was given equally to all the *Apostles* in those words; as *my Father sent me, so send I you, &c.* so that the power of feeding, and the Duty of *Pastors* was alike to them all; though this Charge was given to *Peter* by name here, with so many *Items* perhaps intimating his repeated *Prevarications*; yet were they all sent, and all charged with a larger Province than these words to *Peter* import: *Teach all Na-*

tions,



*nions; Preach the Gospel to every Creature; are our Saviours charge to them all.*

In the *Apostolick* Power all were equal (saith Obj. *Hart*) not in the *Pastoral* Charge.

We answer with a distinction (allowed by *Anf. Stapleton*) of the Name *Pastor*; 'tis *special* and distinct from *Apostle*: *Some Apostles*—some *Eph. 4.* *Pastors*; or *general* and common to all commission'd to preach the Gospel: So Christ is called *Pastor*; and all the Apostles were *Pastors* as well as *Peter*.

But *St. Peter* was the *Pastor* over the rest; for he is charged to *feed* all the Sheep, the whole Church: Now the *Rest* of the Apostles were Christ's *Sheep*, and members of his Church. *Hart* and *Ray. p. 129.* Obj.

Christ saith not to *Peter*, *feed* (all) my Sheep, but he doth say to them *all* Preach—to every *Anf.* *Creature*: And if *Peter* have power over the rest, because they are *Sheep*, and he is to *feed* the Sheep; then every one of the rest have power over *Peter* because he is a *Creature*, and they are to preach to every *Creature*. But this is *trifling*, so is all that is further argued from this Text; though by *Feeding* we understand *Ruling*, *Ruling* of Pastors, or what you will; while whatsoever was charged on *Peter* here, is within the same *Commission*, wherein *Peter* and all the rest of the Apostles are equally impowered as before; and that of *Bellarmino*; [that *Peter* was to feed the Sheep as *ordinary* Pastor; the *Apostles* as extraordinary *Embassadors*] is altogether as groundless; as if there were any colour of *Reason*, that an *ordinary* Pastor should have more power than an extraordinary *Embassador*.

Dr.

13 O<sup>r</sup>.  
1562.

Dr. Hammond observes, Bellarmine was not the Author of that Artifice; Cajetan and Vicharia had used it before him; and obtained it the honour of coming into the Council of Trent; where the Bishop of Granada derided it, and the Authors of it; and soon after the Bishop of Paris expressly affirmed, that Cajetan was (about 50 years before) the first deviser of it. The Bishop of Granada confutes it by Scripture, as understood by all the Fathers and Schoolmen; as he affirmed. *Concord. Cathol. l. i. c. 111.*

De Conc.  
Cath. l. 2. c.  
23.

To conclude this matter, Feed my Sheep, are not a ground for the Popes Presidency; which are found not to be so of Peter's, above the body of the Universal Church; as was publickly pronounced in the Covent of the Fryers Minors; and appears by the Opusc. of John Patriarch of Antioch: And Cardinal Cusanus who lived at the same time, makes them words of Precept not of Institution; and both are agreeable to the interpretation of the Ancients. St. Ambrose de dign. Sacerd. c. 2. Aug. de Ago. Christiano c. 30. Theoph. in Joh. c. 21, &c.

Luk. 22. 31

Rayn. and  
Hart. p.  
142.

It is time to look further. The third great place of Argument is Luk. 22. 31. Thou being converted, strengthen thy Brethren. Whence Hart reasons thus: Christ commands Peter to strengthen his Brethren; and his Brethren were the Apostles: Therefore he was to strengthen the Apostles, and by consequence he must be their Supreme Head.

Ans.

When Hart urged this Argument, with all his wit and might; and Dr. Raynolds had made it evident, there is no Authority given by the words; nor carried in the word Strengthen, that  
Equals

*Equals* and *Inferiors* are capable of it as well as *Superiors*: (much less can it necessarily imply a Supremacy over the whole Church; he confesseth with Stapleton, that Christ gave the Power to Peter after his Resurrection, when he said to him, *Feed my Lambs*; (which we have weighed before) but those words of (*strengthening, &c.*) he spake before his death, and did but (*futurem insinuerat*) insinuate therein; and as *Harts* word is, that he would make him *Supreme Head*; then if he did not make him so afterwards, he did it not at all.

That Peter had power over the rest of the 4 Scrip. Apostles, would be proved, as before, from the Promise and Commission of Christ, so at last by Peter's Execution; he proposed the Election of a new Apostle in the Room of Judas. Act. 1. 25.

Therefore he was *Speaker* (at least *pro tempore*) in the Assembly; but not a *Prince* or *Supreme Monarch*. Ans.

But St. Chrysostom saith, that though Peter's modesty was commendable for doing all things by common advice and consent, and nothing by his own Authority; yet addeth, that no doubt it was lawful for Peter to have chosen *Matthias* himself. Obj. In Matth. 40. 5 L.

Yet the same Father calls this Seat given him by the rest, a *Primacy*, not a *Supremacy*: Again he derives this *Primacy* from the modesty of the Apostles, (not the donation of Christ) as *Hart* confesseth. But indeed the Father exceeded in his Charity; and 'tis he that said that Peter might have chosen one himself: The Scripture saith not that he might; yea it saith he did not. And the Argument from Peter's Execution of this power. Ans. In Matth. Hom. 15. Rayn. Hart. p. 156.

power is come to this, *that he did not execute it.*

Besides, many *Fathers* and in *Council* too; together with *St. Cyprian*, pronounce; that *Peter* proposing the matter, to the end it might be carried by *common advice* and voice, did according to the lessons and *Precepts* of *God*; therefore, *jure divino*, they thought *Peter* had no such power as *Dr. Raynolds* shews. p. 159.

5 Scrip.  
Act. 15.

But when *Peter* had been heard, all the *Multitude* held their peace; and *James* and all the *Elders* did agree unto *Peter's Sentence*.

Ans.

Act. 3. 34.

What is this to prove his *Supremacy*? because the *Council* having heard *Gamaliel* agreed to him, was therefore *Gamaliel* (a *Pharisee*, a *Doctor* of the *Law*, whom all the *People* honoured) *Supreme Head*, and *Superior* to the *High-Priest* and *Council*? And if *Jerom* say, *Peter* was *Princeps Decreti*, he acknowledged perhaps the *Reason*, the *Motion*, and the *Delivery* or declaration of it, principally to *Peter*, the first *Author* of the *Sentence*, as the same *Jerom* calls him; and explains himself *Epist. 11. inter Epistol. August.* So was *Tully* called, viz. *Prince of Decrees*, when he was neither *President* nor *Prince* of the *Senate*.

Pro Cor.  
Balbo.

We conclude, that *Peter* had no *Superiority* of *Power* or *Government* over the rest of the *Apostles*, or the whole *Church*; because it neither was *promised* him, nor *given* him, nor *Executed* by him; notwithstanding *Bellarmino's* 28 *Prerogatives* of *St. Peter*; from which I presume none can be so hardy as to venture to argue: many of them being *uncertain*; some *vain* and *trifling*, and some *common* with the rest of the *Apostles*; but neither *divisim* or *conjunctim* sufficient to make, or to *evince* any real *Supremacy* of power in *St. Peter*. The

Peter added, *Nihil doctrinae aut potestatis* Aquinas. Not inferior to the chief *Apost.*  
2 Cor. 11. 5.

5. 'Tis indeed, said, by some of the *Fathers*; So Paul  
 that the Government of the *World*, and the judged.  
 care of the whole Church was committed to *Chris. Hom.*  
*Peter*: but it is plain they speak of his *Apostle-* 12.2. &  
*ship*; for they say the same of *Paul*; *ille Solu-* 87.  
*gerebat, τὸ τὸ διοικουμένης ἀποστολῆς. & Orbis*  
*præfectam suscepit*; and the like, of *Timothy*;  
 who was never reputed *Universal Monarch*:  
*Paul and Peter had two different Primacies* (*Saint* *Hom. I. ad*  
*Ambr.*) had the same *Dignity*; (*Chrisost.*) were *Pop. Orat.*  
*equal.*) *Oecumenius.* 6. *Con. Jad.*

## C H A P. XXI.

## Of the Pope's Succession.

I Have laboured the more to scatter the  
 pretences of Saint *Peter's Supremacy*; be-  
 cause (though the *Consequence* be not  
 good from *that* to the *Popes*, yet) 'tis a  
*Demonstration*; that if Saint *Peter* had it not,  
 the *Pope* cannot have it, as his *Successor*, *Jure di-*  
*vino.*

We must leave Saint *Peter's Supremacy*, to  
 stand or fall to the Reason of the Discourse  
 before; and must now examine the *Plea of Suc-*  
*cessor*; and the *Pope's Authority* over the Church,  
 as he is *Successor to Saint Peter*.

Now, that it may appear we love not quar-  
 relling; we shall not dispute; whether *Peter* was  
 a *Bishop* of a particular See? whether he was  
 over



ever at *Rome*? whether *Rome* was at first converted by him? whether he was Bishop of *Rome*? whether he resided there for any considerable time? whether he died there? whether the *Pope* had any honour as his *Successor*? or lastly, whether the *Pope* had the *Primacy* of all Bishops in the former Ages of the Church? 'tis well known, that few Adversaries would let you run away quietly, with all or any one of these.

Yet there are two things, that I shrewdly question- 1. Whether the *Pope* had at first the *Primacy* it self, as *Successor* of Saint *Peter*. 2. Much more, whether by that *Succession*, he received *Supreme Power* over the whole Church, *Jure Divino*; the main Point to be proved, is the last: yet it may be worth the while, to examine the first.

## S E C T. I.

*Whether the Primacy of Peter, descended to the Bishops of Rome?*  
Neg.

*Peter*  
*Primate.*

Reas. 1.

Before.

**I**T doth not appear, that Saint *Peter* had his *Primacy*, over the rest of the Apostles, as Bishop; much less as Bishop of *Rome*; but the contrary doth appear.

1. Because he was *Primate*, long before he was Bishop, if he was so, at all; and therefore, if he was *Primate*, *ratione Muneris*, or with respect to any Office; it was that, of his *Apostleship*, and not of his *Episcopacy*; the Consequence;

quence, then, is evident, that the *Pope* could not succeed *Saint Peter*, in the *Primacy*, as *Bishop* of *Rome*; or indeed in any Sence; for the *Apostolical* Office was extraordinary; and did not descend by Succession, as the *Romanists* yield.

That, *Saint Peter* was *Primate*, not as *Bishop*, Not as *Bi-*  
but was antecedently so; it is most apparent shop.  
upon the *Grounds* of it allowed and pleaded by  
our *Adversaries*; because he was first called to  
the *Apostleship*, he was named, the first of the  
*Apostles*; he had the first promise of the *Keys*;  
he was the first *Converter* of the *Gentiles*, &c.  
*Privilegium personale, cum persona extinguitur.*  
*Jesuit Salas.*

2. Indeed, the *Primacy* of *Saint Peter* arose Reas. 2.  
from such *personal* respects and grounds, that On perso-  
rendred it incapable of Succession; and there- nal re-  
fore, none could derive that *Prerogative*, though spects.  
they had succeeded him both as *Bishop* and *A-*  
*postle*.

These *Prerogatives* of *Saint Peter*, which  
*Bellarmino* himself laies down as the *Grounds*  
and *Arguments* of his *Primacy*, are generally  
such, at least, all of them that appear in the  
*Scriptures*; all of them but such, as either beg  
the question or depend on notorious *Fables*:  
as appears at first view.

1. *Saint Peter* was *Primate*, because his *Name* 11 Prero-  
was changed by *Christ*. 2. Because, he was al- gatives.  
ways first named. 3. He alone walked on the Bell.  
*Waters*. 4. He had peculiar *Revelation*. 5. He  
paid *Tribute* with *Christ*. 6. He was the chief  
in the miraculous *fishing*. 7. He is commanded  
to strengthen his *Brethren*. 8. He was the first  
of the *Apostles*, that saw *Christ* risen from the  
dead.

dead. 9. His feet Christ first washed. 10. Christ foretold his death, to him alone. 11. He was President at the Election of *Matthias*. 12. He first preach'd after the Holy Ghost was given. 13. He did the first Miracle. 14. He condemned the hypocrisie of *Ananias, &c.* 15. He passed through all quarters, *Acts 9.32.* 16. He first preach'd to the *Gentiles*. 17. He was miraculously delivered out of prison. 18. *Paul* envied him. 19. Christ baptized him alone. 20. He detected and condemned *Simon Magus*. 21. He spake first in the Council, *Acts 15.*

Argum.

These are 21 of the *Prerogatives* of Saint Peter, which *Bellarmino* makes Grounds and Arguments of his *Primacy*; which, if one say them over, and endeavour to apply them to any but Saint Peter's (individual) person, it will appear impossible; the reasons of this *Primacy*, cannot be supposed out of Peter's person; therefore the *Primacy* cannot pass to his Successor: mark them, and you will find they are all either *Acts* done by Saint Peter, or *Graces* received by him; and so personally in him, that, whatsoever depends on them, must needs die with Saint Peter's person, and cannot be inherited by his Successor.

Indeed, this *Primacy* rose of such Grounds; and was in Saint Peter by Consequence of them; had the *Primacy* been an Office, or a Grace given, of or in or for it self, without respect to any of these Grounds, there had been some shadow (and but a shadow) for its Succession: but it having an essential dependence on those Reasons which were peculiar and proper to Saint Peter's person, they cease together.

But,

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But, lest it should be thought, that there is more of Argument in the other seven Prerogatives which Bellarmine mentioned; I beg my Readers pardon, to set down them also: The first is, perpetual stability is promised to Peter and his See. 2. He alone, was Ordained Bishop by Christ, and the Rest by him. Card. Cusan believes Anechet. Epif. Bellarmine proves it counterfeit, c. 34. p. 771. Azorius, Suarez. and Cosm. Ph. deny it (these plainly beg the thing in question.) 3. He placed his Seat at Rome. 4. Christ appeared to him, a little before he died, therefore Primate? and his Successor too? 5. The Churches which he founded, were always counted Patriarchal. 6. The feast of his chair was celebrated. 7. And his Name added to the Name of the Trinity, in literis formatis: What then, was he not yet Primate before all this? was not his Primacy founded upon the Reasons above? will you say, he was not Primate; or by virtue of his Primacy was not President in the two Councils mentioned? and, if that be more than confessed, (even pleaded by you) must not the former personal respects, be the Grounds of that Primacy? and is it possible for such a Primacy, by Succession, to descend to any other person? none, that consider, will say it!

Other se-  
ven Pre-  
rog. B. 11.

The Fathers acknowledge a Primacy in Saint Peter; but upon such personal grounds, as are mentioned. Saint Peter was called a Rock (saith Saint Ambrose (if the Book be his) eo quod primus in Nationibus, &c. because he was the first that laid the Foundation of Faith in the World. Ceramius gives him likewise, primus Aedificatoris spiritualis.

Fathers.  
Serm. 47.

R

Christ!

Ensb.

*Christianorum Pontifex primus, Petrus; & Reliquorum Apostolorum Princeps, propter virtutis Amplitudinem*: He was Prince, for the greatness of his *Virtue*. *Virtue*, is a personal gift, and cannot pass by Succession.

Object.

Saint *Chrysostom* indeed, is urged against us. *Curam, cum Petro, cum Petri Successoribus Committebat. lib. 2. de Sacerdotio.*

Answ.

'Tis granted, *Peter* had his *Successors* in time and place; and that's all the words, (ὁ τῆς πέτρης ἐκένων, to be rendred those which followed him) will conclude.

However, admit the Bishop of *Rome*, did succeed Saint *Peter* in his care, as the word is; doth it follow, that he succeeded him in his *Primacy*? which hath appeared not capable of Succession.

*Application of Sect. 1.*

Inference.

Therefore, I conclude, that whatsoever *Primacy* the Bishop of *Rome* obtained in the *Ancient Church*, it was not the *Primacy* of Saint *Peter*; or, as he was *Successor* of Saint *Peter* in his *Primacy*; but he obtained it, upon other Grounds, not those *Antecedent* in Saint *Peter*; but such as arose afterwards, and were peculiar to the Church of *Rome*. A Note as easie to be observed by such as look into the practice of the *Ancient Church*; as of great caution and use in this *Controversie*. The Grounds are known to be such as these; because *Rome* was the *Imperial City*; because the Church of *Rome* was then most *Famous* for the *Christian Faith*; because, she was the most noted Seat of true *Tradition*;



dition; because her *Bishops* were most *Eminent* for *Piety*, *Learning*, and a *charitable Care* for other *Churches*: and lastly, perhaps, because *Saint Peter* had been *Bishop* there; his *Memory* might deflect some honour, at least, by way of *motive*, on the *Bishop of Rome*; as the *Council of Sardica* moveth; if it please you let us honour the *Memory of Saint Peter*: but, though the *Memory of Saint Peter* might be used, as an *Argument* of the *Pope's Priority*; 'tis far from concluding his inheriting *Saint Peter's Primacy*; though he had honour by being his *Successor*.

2. It further follows, that the *Primacy* of Inference: that *See* heretofore, was not *Jure Divino*, but *Primacy* from the *Civility* of the *World*; and the *Courtesy* not *Jure* of *Princes*; and the *Gratitude* of the *Church*. *Divino*.

Indeed, this *Primacy* was not an *Office*, but an honour; and that honour, was not given by any *Solemn Grant* of *God* or *Man*; but seems to have gained upon the *World* insensibly, and by degrees, till it became a *Custom*, as the *Council of Nice*, intimates.

3. Lastly, it follows, that this *Primacy*, was Inference: not in it standing upon such temporary Grounds, as succeed- ing Popes; it too soon failed: for, when that, which was the cause of it, ceased; no wonder, if the honour was denied. When the *Faith* of the *See* was turned to *Infidelity*, and *Blasphemy*, and *Atheism*, and *Sorcery* (as their own men say) when their piety was turned into such villanies of *pride*, *Symony*, *uncleaness*, and monstrous *lowness*; (as themselves report) when their care and vigilance was turned into *Methods* of *wasting* and *destroying* the *Churches*; when the *Exordium*

*Unitatis* was turned into a *Head of Schism* and division; no wonder that the *Primacy* and honour of the *See of Rome*, which was raised and stood upon the contrary grounds, was at length discovered to be *groundless*; and the former *primacy* which stood on *Courtesie*, and was exalted by an *usurped Supremacy* and *Tyranny*, was thrown off by us; and our ancient *liberty* is *Repossest*, and the *Glory of Rome* is so far *departed*.

## S E C T. II.

*Whether the Pope be Supreme as Successor of Peter, by Divine Right? Neg. Not Pimate as such. Peter himself not Supreme. Pope not Succeed him at all.*

**T**His is the last *Refuge*, and the meaning of it is; that our Saviour made *St. Peter Universal Monarch* of the whole Church, and intended the *Pope of Rome* should succeed him in that power.

All possible defence herein, hath been prevented: For if the *Bishop of Rome* did not succeed him in his *Primacy*, how should he succeed him in his *Supremacy*? Again, if *St. Peter* had no such *Supremacy*, as hath appeared, how should the *Pope* receive it as his *Successor*? Besides, what ever power *St. Peter* had, it doth no way appear that the *Pope* should succeed him in it; much less in our Saviour's *Intention*, or by *Divine Right*.

However, let us try their colours. Will they

they maintain it, that *Christ* appointed the Bishops of *Rome* to succeed *St. Peter* in so great a power? The Claim is considerable, the whole *World* in all Ages is concerned; none could give this privilege of *Succession*, but the giver of the power. But where did he do it? Where or how, when or by whom was it expressed? Should not the Grant of so great an *Empire*, wherein all are so highly concern'd, especially when it is disputed and pretended, be produced?

Instead of plain proof we are put off with obscure and vanishing Shadows, such as follow.

## S E C T. III.

## Arg. 1. Peter Assigned it.

INSTEAD of proving that *Christ* did, they say that *St. Peter* when he died, bestowed the *Supremacy* upon the Bishops of *Rome*, in words to this effect; as *Hart* expresth them. *I Ordain this Clement to be your Bishop; unto whom alone I commit the Chair of my Preaching and Doctrine; And I give to him that power of binding and loosing, which Christ gave to me.* Arg. 1.

And what then? (*I Ordain*) then he had it not, as *Peters Successor* by *Divine Right*, but as a Gift and Legacy of *St. Peter*. 2. (*This Clement*) a foul blot to the Story: For it's plain in *Records*, that *Linus* continued Bishop eleven years after *Peter's* death; and *Cletus* twelve after *Linus*; before *Clemens* had the Chair. [Your Bishop] *Euseb.* in that is the Bishop of *Rome*; what's this to the *Chron.*

Wid. Ray-  
nolds and  
Hart. p. 269  
C.

*Universal Bishop?* [ *And I give to him* ] what the Chair of *Preaching* and *Doctrine*, and the power of the *Keys*. viz. no more than is given to every *Bishop* at his *Ordination*. Now 'tis observable, though this pitiful *Story* signifies just nothing; yet what strange *Arts* and stretches of invention are forced to support it, and to render it possible though all in vain.

#### SECT. IV.

Arg. 2. *Bishop of Antioch did not Succeed: Ergo of Rome.*

Arg. 2.

**B**ellarmino argues more subtilly, yet supposeth more strongly than he argues. *Pontifex Romanus*, the High-Priest of *Rome*, succeeded *St. Peter* (dying at *Rome*) in his whole dignity and power; for there was never any that affirmed himself to be *St. Peter's Successor* any way, or was accounted for such; besides the *Bishop of Rome* and the *Bishop of Antioch*: But the *Bishop of Antioch* did not succeed *St. Peter* in pontifical *Ecclesia totius*; therefore the *Bishop of Rome* did.

Anf.

He supposeth that *St. Peter's Successor* succeeded him in all his dignity and power; but 'tis acknowledged by his friends, there was no Succession of the *Apostolick*, but only of the *Episcopal* power. 2. If so, then *Linus*, *Cletus*, and *Clement*, should have had dignity and power over *John*, and the other *Apostles*; (who lived after *St. Peter*) as their *Pastor* and *Head*; according to their own way of Arguing. 3. Besides, *St. Peter*

Peter had power of casting out of Devils, &c. and doing such *miracles* as the Pope pretends not to do. Lastly, what if the Pope affirms that he is, and others account him to be St. Peter's Successor; the point requires the truth thereof to be shewn, *Jure divino*.

# S E C T. V.

Arg. 3. St. Peter dyed at Rome. Then *de Facto*, not *de Fide*.

**B**ellarmino saith, the Succession it self is *Jure* Arg. 3: *divino*; but the *Ratio Successionis* arose out of the *Fact* of St. Peter (planting his See and dying at Rome;) and not from Christs first Institution: Then doubts (*quavis non sit &c.*) whether this Succession be so according to his own position, *forte non est de jure divino*; but neither shews the Succession it self to be Christs Institution at all; nor proves the Tradition of Peter, on which he seems to lay his stress; and we may guess why he doth not.

In short, if the Succession of the Bishop of Rome Anf. be of Faith; 'tis so either in *Jure* or in *Facto*: But neither is proved. Yea the contrary is acknowledged by Bellarmine himself. Not in Right because that is not *certo divinum*, as Bellarmine confesseth: Nor in *Fact*, because before Peter's death, which introduced no change in the Faith, as Bellarmine also confesseth, this Succession was not of Faith.

Indeed it is well observed, that the whole



weight of *Bellarmino's* reasoning, is founded in *Fact*; (then where is the *Jus divinum*?) 2. In such *fact* (of *Peter*) as is not found in *Scripture*, or can be proved any way. 3. In such *Fact* as cannot constitute a *Right* either *divine* or *humane*. 4. In such *Fact* as cannot conclude a *Right*, in the sense of the most learned *Romanists*. *Scot. in 4. dist. 24. Cordubensis lib. 4. qu. 1. Cajetan de prim. pap. c. 23. Bannes in 2. 2. q. 1. a. 10.* who contend, that the union of the *Bishoprick* of the *City* and the *World*, is only *per accidens*, and not *Jure divino, vel imperio Christi*.

But when the uncertainty of that *Fact* (on which the *Right* of so great and vast an *Empire* is raised) is considered; what further answer can be expected? For is it not uncertain whether *Peter* were ever at *Rome*? or whether he was ever *Bishop* of *Rome*? or whether he dyed at *Rome*? or whether *Christ* called him back that he might dye at *Rome*? or whether he ordained *Clement* to succeed him at *Rome*? Indeed there is little else certain about the matter but this; that *Peter* did not derive to him that succeeded him, and his *Successors* for ever, his whole dignity and Power; and a greater Authority than he had himself, *Jure divino*.

But if we allow all the *uncertainties* mention'd, to be most certain; we need not fear to look the Argument, with all its attendants and strength, in the face. *Peter* was *Bishop* of *Rome*, was *warned* by *Christ* immediately to place his *Seat* at *Rome*, to stay and dye at *Rome*; and before he died, he appointed *one* to succeed him in his *Bishoprick* at *Rome*; Therefore the *Bishops* of *Rome* successively are *universal Pastors*, and have  
Suprema

Supreme power over the whole Church *jure divino*. Is not the cause rendered suspicious by such Arguments? and indeed desperate, that needs them, and has no better?

## S E C T. VI.

## Arg. 4. Councils, Popes, Fathers.

**B**ellarmino tells us boldly, that the Primacy Arg. of the Roman High-Priest, is proved out of the Councils; the Testimonies of Popes, by the consent of the Fathers, both Greek and Latin.

These great words are no Arguments; the matter hath been examined under all these Topics, and not one of them proves a Supremacy of Power over the whole Church to have been anciently in the Pope, much less from the beginning and *jure divino*; especially when St. Augustine and the Greek Fathers directly opposed it as an Usurpation. Anf.

A Primacy of Order is not in the question; though that also was obtained by the ancient Popes, only more humano; and on Temporary Reasons as hath before appeared. But as a learned man saith, the Primacy of a Monarchical Power in the Bishop of Rome, was never affirmed by any ancient Council, or by any one of the ancient Fathers, or so much as dreamt of; and at what time afterwards the Pope took upon him to be a Monarch; it should be inquired *quo jure*, by what Right he did so: whether by Divine, Humane, or altogether by his own, i. e. no Right at all.

Sect.

## SECT. VII.

Arg. 5. *The Prevention of Schism.*  
St. Jerom.

Ar. 5.

**A** Primacy was given to *Peter* for preventing *Schism*, as St. *Hierom* saith: Now hence they urge, that a mere precedency of Order is not sufficient for that.

Ans.

Lib. 1. Jov.  
c. 14.

The Inference is not *divine*; it is not St. *Hierom*; it is only for St. *Peter* and reacheth not the Pope: Besides it plainly argues a mistake of St. *Jerom*'s assertion, and would force him to a contradiction. For immediately before; he teacheth, that the Church is built equally on all the *Apostles*, and that they all receive the *Keys*, and that the firmness of the Church is equally grounded on them all; so that what *Primacy* he meant, it consisted with *Equality*, as *Monarchy* cannot.

Epist. ad E-  
vagr.

Therefore St. *Hierom* more plainly in another place, affirms; that wherever there is a *Bishop*, whether at *Rome*, *Constantinople*, &c. *Ejusdem meriti est, ejusdem est & Sacerdotii*. Again, 'tis neither *Riches* nor *Poverty* which makes *Bishops* higher or lower, but they are all the *Apostles Successors*.

SECT.

## S E C T. VIII.

Arg. 6. *Church committed to him.*

**S**T. Chrysostom saith, the Care of the Church was committed, as to Peter, so to his Successors. (*Tum Petro, tum &c.*) therefore the Bishops of Rome being Successors of St. Peter in that Chair; have the care, and consequently the power committed to them, which was committed to Peter. Ar. 6.

True, the Care and power of a Bishop, not of an Apostle or universal Monarch; the commission of all other Bishops, carried Care and power also. Anf.

But indeed, this place proves not so much as that the Pope is Peter's Successor in either; much less *Jure divino*, which was the thing to be proved: *αὐτοῖς μὲν ἐκείνων*, those which followed in time and place, not otherwise; as before.

## S E C T. IX.

Arg. 7. *One Chair.* Optatus, Cyprian, Ambrose, Acacius.

**T**Here is *one Chair* (saith Optatus) *qua prima est de Doribus*; in which Peter sat first, Linus succeeded him; and Clemens, Linus. Arg. 7.

Optatus speaks nothing against the Title or power of other Chairs; or for the preheminance of

of power in this one Chair above the rest.

He intended not to exclude the other *Apostolical Seats* from the honour or power of *Chairs*; For he saith as well that *James* sat at *Jerusalem*, and *John* at *Ephesus*; as that *Peter* sat at *Rome*, which *Tertullian* calls *Apostolicas Cathedras*; all presiding in their own places. *De prescrip.* c. 36.

'Tis most evident, that *Optatus* calls the Chair of *Peter* one, not because of any *Superiority* over other *Apostolical Chairs*; but because of the *Unity* of the *Catholick Church*, in opposition to the *Donatists*; who set up another Chair in opposition (*Altare contra Altare*) to the *Catholick Church*.

Cyprian.

*Bellarmino* well observes, that *Optatus* followed the doctrine of *St. Cyprian*, who said, there is but one Church, one Chair, &c. And out of *St. Cyprian* himself, his meaning therein is manifest to be no other, than a *specificcal*, not *numerical* *Unity*. He tells us plainly in the same place, that the other *Apostles* were the same with *Peter*, equal in honour and power: He teacheth that the one *Bishoprick* is dispersed—consisting of the unanimous multitude of many *Bishops*; that the *Bishoprick* is but one; a portion whereof is wholly and fully *Head* of every *Bishop*: So there ought to be but one *Bishop* in the *Catholick Church*, i. e. all *Bishops* ought to be one in *Faith* and *Fellowship*. *Vid. Cypr. de Unit. Eccles. & lib. 3. Epis. 11.*

But is it not prodigious, that men should build the *Pope's Dominion*, upon the Doctrine of *Saint Cyprian* and *Optatus*? The latter tells us roundly; that whosoever is without (the Communion of) seven Churches of *Asia*, is an *Alien*,  
in



in effect, calling the Pope *Infidel*; and Saint Cyprian, is well known to have always stiled Pope *Cornelius*, *Brother*; to have severely censured his Successor Pope *Stephen*, contradicting his *Decrees*; opposing the Roman *Councils*; disclaiming the Pope's Power of *Appeals*, and contemning his *Excommunications*.

A Council at *Africk* under Saint Cyprian; as another, wherein Saint *Augustine* sat, rejected and condemned the *Jurisdiction* of the Pope over them; as is frequently observed; and why do men endeavour to blind the World with a few words of these great *Fathers* contrary to the known Language of their *Actions* and course of *Life*.

The sense of the words may be disputed, but when it came to a Tryal, their deeds are known to have shewed their mind, beyond all dispute.

For Instance, *Ambrose* calls Pope *Damasus* *Ambr.* *Rector of the whole Church*: yet 'tis known that he would never yield his *Sences* to the Law of *Rome* about *Easter*, *lib. 3. de sacr. c. 1.* for which, the Church of *Milain*, was called the Church of *Ambrose* 670 years after his death, when the *Clergy* of *Milain* withstood the *Legate* of *Lea* 9. saying, *the Church of Ambrose had been always free, and never yet subject to the Laws of the Pope of Rome*; as *Baron. notes*, *An. 1059. Nu. 46.*

Many other *Aiery Titles* and Courtly *Addresses* given to the Pope in the Writings of the *Fathers*, we have observed before, to carry some Colour for a *Primacy* of Order; but no wise man can imagine, that, they are an Evidence or *Ground*, much less a formal *Grant* of

*Universal*

*Universal Dominion* : seeing , scarce one of them, but is, in some of the *Fathers* ; and usually by the *same Fathers*, given, as well to the other *Apostles*, and to other *Bishops*, as to *Peter* and the *Pope* ; and so unfortunate is *Bellarmino* in his Instances, that usually, the very *same place* carries its Confutation.

It is strange, that so great a Wit should so egregiously bewray it self; to bring in *Acacius*, Bishop of *Constantinople*, submitting, as it were, the *Eastern Church* to the *See of Rome* ; because, in his *Epistle* to Pope *Simplicius*, he tells him, *he hath the care of all the Churches* : for, what one Bishop of those times could have been worse pitch'd upon for his purpose ? who, ever opposed himself more fiercely against the *Jurisdiction* of the Pope than *Acacius* ? who, more boldly rejected his *Commands* than this *Patriarch* ? or stands in greater opposition to *Rome* in all History ? yet *Acacius* must be the Instance of an *Eastern Patriarch's* Recognition of the *See of Rome*. *Acacius*, phrenesi abreptus (as *Baronius* hath it) *adversus Rom. Pontificem Violenter insurgit*. *Acacius*, that Received those whom the Pope Damn'd. *Acacius*, Excommunicated by the Pope ; and the very Head of the *Eastern Schism* ; this is the man that must witness the Pope's Supremacy against himself, and his own, and his Churches famous Cause : and this, by saying in a Letter to the Pope himself, that he had the care of all Churches ; a Title given to Saint Paul in the days of Peter ; to *Athanasius*, in the time of Pope *Julius* ; to the Bishops of France, in time of Pope *Elaberius* ; and to *Zacharias* an Arch-Bishop, by Pope *John* the first ;  
but

An. 478.

n. 3.

An. 483.

n. 78.

An. 484.

n. 17.

As they  
say.

but conferred no *Monarchy* upon any of them.

I do not remember, that I have yet mentioned the Titles of *Summus Pontifex*, and *Pontifex Maximus*; which are also said to carry the Pope's *Supremacy* in them; but it is impossible any wise man can think so. *Azor.* (*Jesuits*) acknowledgeth these terms, may have a Negative Sence only: and *Baronius* saith, they do admit *Equality*. In this Sence, Pope *Clemens* called Saint *James*, Bishop of Bishops; and Pope *Leo*, stiled all Bishops, *Summos Pontifices*; and the Bishops of the East write to the Patriarch of *Constantinople* under the Title of Universal Patriarch, and call themselves Chief Priests. *Epist. ad Tharasiam, &c.*

*Sum. & max. Pontifex.*

*Epist. 88*

## SECT. X.

### The Conclusion touching the Fathers.

*Reasons why no more of them. A Challenge touching them. No Consent of Fathers in the Point. Evident in General Councils. Reasons of it. Rome's contradiction of Faith. Pope, Schism, Perjury, &c.*

I Was almost tempted, to have gone through, with a particular Examination of all the Titles and Phrases, which *Bellarmino* hath with too much

much Vanity, gathered out of the *Fathers* both *Greek* and *Latine*, on behalf of the *Pope's Supremacy*: But, considering, they are most of them very *frivolous* and *impertinent*; and that I conceive I have not omitted any one that can be soberly thought *material*; and, that all of them have been frequently answered by *Learned Protestants*; and very few of them (so answered) thought fit to be replied to by our *Adversaries*; I thought it prudent, to excuse that very *needless* exercise; and I hope none will account me blame-worthy for it: but, if any do so, I offer *Compensation*, by this humble *Challenge* upon mature deliberation.

A Chal-  
lenge.

If any one, or more *places*, in any of the *Ancient Fathers*, *Greek* or *Latin*, shall be chosen, by any *sober* Adversary; and argued from, as *Evidence* of the *Pope's Supremacy*, as *Successor to Saint Peter*; God giving me life and health, I shall appear and undertake the *Combate*, with weapons extant, in our *Englist Writers*; though they may not think, that one or two, or more passages out of *single Fathers* are sufficient, to bear away the *Cause* in so great a Point: seeing, they themselves, will not suffer the *Testimony* of many of the same *Fathers*, to carry it for us, in a Point of the *least* Concernment.

In the mean time, I most confidently conclude; that the *Pope's Supremacy* hath not the *Consent* of the *Primitive Fathers*; as *Bellarmino* boasts; and that, what ever he would have them say; they did not believe, and therefore not intend to say; that, the *Pope was absolute Monarch of the Catholick Church*: and consequently, that there was no such *Tradition* in the *Primitive Ages*;

Ages; either *before*, or during the *time* of the *eight first General Councils*; is to me, a *Demonstration*, evident, for these Reasons.

The *eight first General Councils*, being all Reas. 1.  
*Called* and *Convened* by the *Authority* of *Emperors*, it *stand upon Record*, as a notable *Monument*  
 of the *former Ages* of the *Catholick Church*; in *prejudice* to the *Papal Monarchy*, as *Saint Peter's Successor*, in those times; the *first eight General Councils* (saith *Cusanus*) were gathered, Concord. Cathol. l. 2. c. 25.  
 by *Authority* of *Emperors*, and not of *Popes*: *insomuch* that *Pope Leo*, was glad to *entreat* the  
*Emperor Theodosius the younger*, for the *gathering* of a *Council* in *Italy*, and (*non obtinuit*)  
 could not obtain it.

*Every one* of these *Councils* opposed this pre- Reas. 2.  
*tended Monarchy* of the *Pope*: the *first* by  
*stating* the *limits* of the *Roman Diocess*; as  
 well as other *Patriarchates*: the *second*, by  
*concluding*, the *Roman Primacy* not to be  
 grounded upon *Divine Authority*; and setting  
 up a *Patriarch* of *Constantinople*, against the  
*Pope's Will*: the *third*, by *inhibiting* any *Bishop*  
*whatsoever*, to *ordain Bishops*, within the *Isle*  
 of *Cyprus*: the *fourth*, by *advancing* the *Bi-*  
*shop of Constantinople*, to *equal priviledges*, with  
 the *Bishop of Rome*; notwithstanding the  
*Pope's earnest opposition* against it: the *fifth*,  
 in *condemning* the *Sentence* of *Pope Vigilius*  
 although very *vehement* in the *cause*: the *sixth*  
 and *seventh*, in *condemning* *Pope Honorius* of  
*Herésie*: and the *eight* and *last*, by *imposing* a  
*Canon* upon the *Church of Rome*, and chal-  
 lenging *obedience* thereunto.

This must pass for the unquestionable *Sence* Reas. 3.



of the *Catholick Church*, in *those Ages*, viz. for the space of above 540 years together, from the *first General Council of Nice*: for our Adversaries themselves, stile every one of the *General Councils* the *Catholick Church*; and what was their *Belief*, was the *Faith* of the *whole Church*; and what *their belief* was, hath appeared; viz. that the *Pope had not absolute power over the Church fure Divino*; an Opinion *abhorred* by their contrary *Sentences* and *practises*.

Reaf. 4.

2280 Fa-  
thers.

'Tis observed by a Learned man, that the *Fathers*, which flourished in all those *eight Councils*, were in Number 2280. how few Friends had the *Pope* left to equal and *Countermand* them? or, what *Authority* had they to do it? yea name one eminent *Father*, either *Greek* or *Latin*, that you count a *Friend* to the *Pope*, and in *those Ages*; whose name we cannot shew you in one of those *Councils*: if so, hear the *Church*; the Judgment of *single Fathers* is not to be received, against their *Joint Sentences* and *Acts*, in *Councils*; 'tis your own *Law*: now, where is the Argument for the *Pope's Authority* from the *Fathers*? they are not to be believ'd against *Councils*: they spake their Sence in this very *Point*, as you have heard, in the *Councils*; and in all the *Councils rejected* and condemned it.

Reaf. 5.

Rome's  
contradi-  
ction of  
Faith.

The belief of these *eight General Councils* is the professed *Faith* of the *Roman Church*: Therefore, the *Roman Church* hath been involved and entangled, at least ever since the *Council of Trent*, in the Confusion and *Contradiction* of *Faith*; and that in *Points necessary to Salvation*.

For

For the *Roman Church* hold it necessary to *Salvation*, to believe all the eight General Councils; as the very *Faith* of the *Catholick Church*; and we have found all these Councils, have one way or other, declared plainly, against the *Pope's* *Supremacy*; and yet the same Church holds it necessary to *Salvation* to believe the contrary, by the Council of *Trent*; viz. that the *Pope* is *Supreme Bishop* and *absolute Monarch* of the *Catholick Church*. *Bull. Pii. 4.*

Some Adversaries would deal more severely with the Church of *Rome* upon this Point; and charge her with *Heresie* in this, as well as in many other Articles: for there is a Repugnancy in the *Roman Faith*, that seems to infer no less than *Heresie*, one way or other: he that believes the Article of the *Pope's Supremacy*, denies, in effect, the eight first General Councils, at least in that Point; and that's *Heresie*. And, he that believes the Council of *Trent*; believes the Article of the *Pope's Supremacy*: therefore, he that believes the Council of *Trent*, does not believe the eight first General Councils; and is guilty of *Heresie*. *Rome's Heresie.*

Again, he that believes, that the *Pope* is not *Supreme*, denies the Council of *Trent*, and the *Faith* of the present Church, and that's *Heresie*; and he that believes the eight first general Councils, believes that the *Pope* is not *Supreme*: therefore, he denies the Council of *Trent*, and the *Faith* of the present Church, and is an *Heretick*, with a witness.

'Tis well if the Argument conclude here; and extend not its Consequence to the charge of *Infidelity*, as well as *Heresie*, upon the present *Roman*. *etc. Infidelity.*

*Roman Church*: seeing, this *Repugnancy* in the *Roman Faith* seems to *destroy* it, altogether: for,

He that believes the *Pope's Supremacy*, in the *Sence* of the *Modern Church of Rome*, denies the *Faith* of the *Ancient Church* in that point, and he that believes it not, denies the *Faith* of the *present Church*; and the *present Church of Rome* that professeth both, believes neither. These *contrary Faiths* put together, like two *contrary Salts*, mutually *destroy* one another. He that believes *that*, doth not believe *this*; he that believes *this*, doth not believe *that*: Therefore he that professeth to believe both, doth plainly profess he believes neither.

Load not others with the crimes of *Heresie* and *Infidelity*, but Pull the beams out of your own eye.

Popes  
Schism  
and Perju-  
ry.

Reas. 6.

But the *charge* falls heavier upon the *Head* of the *present Roman Church*: For not only *Heresie* and *Infidelity*, but *Schism*, and the foulest that ever the *Church* groaned under; and such as the greatest *Wit* can hardly distinguish from *Apostacy*; and all aggravated with the horrid crime of direct and *self-condemning Perjury*, fasten themselves to his *Holiness's Chair*, from the very *constitution* of the *Papacy* it self.

Greg. 7. Bin.

To. 3. p.

1196.

Innoc. 3.

Bonif. 8.

Catechis. Ro.

Nu. 10, 11,

and 13.

For the *Pope* as *such*, professeth to believe, and *sweareth* to govern the *Church* according to the *Canons* of the 8 first *general Councils*; yet openly *claims*, and *professedly practiseth* a *Power* condemned by them all.

Thus *Quatenus* *Pope*, he stands guilty of *separation* from the *Ancient Church*; and as *Head* of a new and strange *Church*, draws the *Body* of his *Faction* after him into the same *Schism*; in flat

flat contradiction to the *essential Profession*, both of the *ancient and present Church of Rome*: and to that *solemn Oath*, by which also the Pope as Pope, binds himself at his *Inauguration*, to maintain and communicate with.

Hence, not only *Usurpation, Innovations, and Tyranny*, are the Fruits of his *Pride, Ambition, and Perjury*; but if possible, the *guilt* is made more *Scarlet* by his *Cruelty to Souls*; intended by his formal Courses of *Excommunications*, against all that own not his *usurped Authority*, viz. the *Primitive Churches*, the *8 first general Councils*, all the *Fathers* of the *Latine and Greek Churches*, for many hundred years; the greater part of the *present Catholick Church*, and even the *Apostles of Christ, and our Lord himself*.

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*The Sum of the whole matter. A touch of another Treatise. The material Cause of Separation.*

**T**He Sum of our defence is this: If the Pope have no Right to Govern the Church of *England*, as our *Apostle or Patriarch*, or as *Infalible*; if his *Supremacy* over us was never grounded in, but ever renounced by our *Laws and Customs*, and the very constitution of the Kingdom: If his *Supremacy* be neither of *Civil, Ecclesiastical, or Divine Right*; if it be disowned by the *Scriptures and Fathers*, and condemned by the *Ancient Councils*; the *Essential Profession* of the *present Roman Church*, and the *solemn Oaths* of the *Bishops of Rome themselves*: If, I say, all

be certainly so as hath appeared ; what reason remains for the necessity of the Church of England's re-admission of, or submission to the Papal Authority, usurped contrary to all this ? Or what reason is left to charge us with Schism for rejecting it ?

But it remains to be shewn ; that as the claim of the Popes Authority in England cannot be allowed ; so there is cause enough otherwise of our denial of obedience actually to it, from Reasons inherent in the Usurpation it self, and the Nature of many things required by his Laws.

This is the second Branch of our defence ; proposed at first to be the Subject of another Treatise.

For who can think it necessary to communicate with Error, Heresie, Schism, Infidelity and Apostacy ; to conspire in damning the Primitive Church, the Ancient Fathers, General Councils, and the better and greater part of the Christian World at this day ? or willingly at least, to return to the infinite Superstitions and Idolatries ; which we have escaped, and from which our blessed Ancestors ( through the infinite mercy and providence of God ) wonderfully delivered us.

Yet these horrid things cannot be avoided, if we shall again submit our selves, and enslave our Nation to the pretended Powers and Laws of Rome, from which, *Libera nos Domine.*

Postscript.



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T H E

# P O S T S C R I P T.

Objections touching the First  
General Councils , and  
our Arguments from them,  
answered more fully.

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S E C T. I.

*The Argument from Councils drawn up,  
and Conclusive of the Fathers, and  
the Cath. Church.*

**I**N this *Treatise* I have considered the *Canons*  
of the ancient *Councils* two ways; as *Evi-*  
*dence*, and *Law*. As *Evidence*, they give us  
the undoubted sense and *Faith*, both of  
the *Catholick Church*, and of single *Fathers* in  
those times; and nothing can be said against  
that. As *Law*, we have plainly found that  
S 4 none

none of them confer the *Supremacy* pleaded for, but every one of them in special *Canons* condemn it.

Now this latter is so great a proof of the former, that it admits of no possible reply; except *Circumstances* on the by, shall be set in opposition and contradiction to the plain *Text* in the body of the *Law*.

And if neither the *Church* nor single *Fathers* had any such faith of the *Popes* Supremacy, during the first *General Councils*; then neither did they believe it from the *Beginning*: For if it had been the Faith of the *Church* before, the *Councils* would not have rejected it, and indeed the very form and method of proceeding in those Ancient *Councils*, is sufficient Evidence that it was not.

However, why is it not shewn by some colour of *Argument* at least, that the *Church* did believe the *Popes* Supremacy before the time of those *Councils*? why do we not hear of some one single *Father*, that declared so much before the Council of *Nice*, or rather before the *Canons* of the *Apostles*? Or why is there no notice taken of such a *Right*, or so much as *Pretence* in the *Pope*, either by those *Canons* or one single *Father* before that time?

Indeed our *Authors* find very shrewd Evidence of the contrary.

Why (saith *Casaubon*) was *Dionysius* so utterly silent, as to the *Universal Head* of the *Church* Reigning at *Rome*; if at that time there had been any such *Monarch* there? Especially seeing he professedly wrote of the *Ecclesiastical Hierarchy* and *Government*. *Exerc. 16. in Bar. ap. 34. Nu. 299.*

The

The like is observable in *Ignatius*, the most Ancient Martyr and Bishop of *Antioch*; who in his Epistles frequently sets forth the Order Ecclesiastical, and dignity of Bishops upon sundry occasions, but never mentions the Monarchy of St. Peter or the Roman Pope. *Ibid.* he writing to the Church of *Trallis* to obey Bishops as Apostles, instanceth equally in *Timothy* St. Paul's Scholar, as in *Anacletus* Successor to St. Peter. Ignatius Epist. ad Tral.

The Prudence and Fidelity of these two prime Fathers, are much stained, if there were then an Universal Bishop over the whole Church; that professedly writing of the Ecclesiastical Order, they should so neglect him, as not to mention Obedience due to him; and indeed of St. Paul himself, who gives us an enumeration of the Primitive Ministry, on set purpose, both in the ordinary and extraordinary kinds of it, [*viz.* Some Apostles, some Prophets, some Evangelists, some Pastors and Teachers] and takes no notice of the Universal Bishop; but we hence conclude rather, there was no such thing. St. Paul.

For who would give an account of the Government of a City, Army, or Kingdom; and say nothing of the Mayor, General, or Prince? This surpasseth the fancy of Prejudice it self.

*Irenaeus* is too ancient for the Infallible Chair; and therefore refers us, in the point of Tradition, as well to *Polycarp* in the East, as to *Linus* Bishop of *Rome* in the West. Irenaeus lib. 2. c. 3. p. 140, 141.

*Tertullian* adviseth to consult the Mother-Church immediately founded by the Apostles; and names *Ephesus* and *Corinth* as well as *Rome*; and *Polycarpus* ordained by St. John, as well as *Clement* by Peter. Upon which their own *Renanus* notes, Tertullian praescr. p. 76.

notes, that *Tertullian* doth not confine the *Catholick* and *Apostolick Church* to one place; for which freedom of *Truth*, the *Judex expurgatorius* corrected him; but *Tertullian* is *Tertullian* still.

These things cannot consist, either with their own knowledge of an *Universal Bishop*, or the *Churches* at that time; therefore the *Church of Egypt* held the *Catholick Faith* with the chief *Priests*, naming *Anatolinus* of *Constant. Basil* of *Antioch*, *Juvenal* of *Jerusalem*, as well as *Leo Bishop of Rome*. *Bi. To inter Epist. illust. person. 147.* And it is decreed (saith the *Church of Carthage*) we consult our Brethren, *Syriscus Bishop of Rome*, and *Simplicius Bishop of Milain*. *Concil. Carth. 3. c. 48.*

The like we have observed out of *Origen*, *Clemens Alex.* *Cyprian*, &c. before.

Hence it follows, that the *Church* and the *Fathers* before the *Councils*, had no knowledge of the *Popes Supremacy*, and we have a plain answer to all obscure passages in those *Fathers* to the contrary.

Besides, whatever private opinion any of them might seem to intimate on the *Popes* behalf before, 'tis certain it can have no *Authority* against the sense and sentences of *General Councils*, which soon after determined against him, as hath appeared in every one of them, in so expresse and indisputable terms, in the very body of the *Canons*; that it is beyond all possible hopes to support their cause from any *circumstantial Arguments* touching those *Councils*: Yet these also shall now be considered in their order.

SECT. II.

Objections touching the Council of Nice,  
answered.

**L**ET us begin with the Council of Nice, consisting of 318 Bishops, which is found so plain in two special Canons, (the one forbidding Appeals, and the other limiting the Jurisdiction of the Provinces according to Custom) against the Papal Supremacy; that one would think nothing could be objected: But Bellarmine will say something that was never said before.

1. General.

He saith, the Bishop of Alexandria should have those Provinces, because the Bishop of Rome was accustomed to permit him so to do.

Obj. 1.

We have given full answer to this before; but a learned Prelate of ours hath rendred it so senseless and shameless a gloss, in so many and evident instances; that I cannot forbear to give the sum of what he hath said, that it may further appear our greatest Adversaries are out of their Wits, when they pretend a fence against the Canons.

Ans.

Morton

post p. 132

&c.

After the non-sense of it, he shews its impudence against the Sun-shine Light of Story and Grammar; because it is so evident, that the words [because the Bishop of Rome hath the same Custom] are words of Comparison betwixt Alexandria and Rome, in point of ancient Privilege, both from the words [ $\epsilon\pi\epsilon\iota\delta\eta\ \chi\alpha\iota$ ] and three Editions; now entred into the body of the Councils by their own Binius; wherein the words are, because the Church of Rome hath the like Custom.

Yet



Yet this were modesty, Did they not know, saith he, that the Council of Calcedon did against the Will of the Pope, advance the priviledge of Constantinople, upon this ground of Custom?

The matter is so plain, that the own Cardinal Cusan. concord Catho. li. 2. cap. 12. concludes thus; We see how much the Bishop of Rome, by use and custom of Subjectional Obedience hath got at this day, beyond the ancient Constitutions; speaking of this very Council.

Obj. 2. Bellarmine saith, the beginning of that Canon in the vulgar Books is thus: The Roman Church *semper habet primatum, mos autem perduret.*

Anf.

The answer is; 'tis shameful to prefer one vulgar Book before all other Greek or Latine Copies; and before the Book of the Pope's decrees, set out at Paris, an. 1559. or the Editions sent by two Patriarchs; on purpose to give satisfaction in this Cause; which Bellarmine himself acknowledgeth, lib. 2. de Rom. Pont. c. 13. In none of all which, the word [Primacy] is to be found; and consequently is foisted into that vulgar book. But what if it were? the bare Primacy is not disputed in the sence given of it by the Council of Calcedon; It behoves, that the Arch-Bishop of Const. (new Rome) be dignified with the same Primacy of Honour after Rome: *Prerogativam dignitatis* Zozom. l. 7. c. 9.

SECT.

S E C T. III.

2. Gen. Council. *Objections touching the Council of Constantinople, Answered.*

**N**Ext, to the Council of Constantinople, being 2. General.  
the second General; let us hear what is ob-  
jected.

They say themselves, saith *Bellarmino*, that Obj. 1.  
they were gathered by the mandate of Pope *Damasus*.

1. What then? suppose we should give the Anf.  
Pope as the *Head of Unity* and order, the ho-  
nour of *convening General Councils*; and of sitting  
as *President* in them? What's this to the Supre-  
macy of *Government*? or what more than might  
be contained in the *Primacy*, that is not now  
disputed.

2. But *Bellarmino* himself confesseth, that  
those words are not in the *Epistle* of the Council  
as all *Mandates* use to be; but of certain *Bishops*  
that had been at the Council.

3. 'Tis recorded, that the *Mandate* from the *Vid. Theod.*  
*Emperor* gathered them together: the *Testimony* l. 5. c. 7. 207.  
will have credit before the *Cardinal*. l. 7. c. 7. Ne-  
eph. l. 12.

4. Indeed the Pope sent Letters, in order to  
the calling this Council, but far from *Mandatory*;  
neither were they sent to the *Eastern Bishops*, to  
require, but to the Emperor *Theodosius* by way  
of *Request*, for the obtaining *Liberty* to assemble  
a *Synod*. Did he command the Emperor? why  
did not Pope *Leo* afterwards command a gene-  
ral Council in *Italy* nearer home, when he had in-  
treated

treated *Theodosius* for it with much importunity, and could not obtain? the time was not ripe for the Pope's *Commands*, either of *Emperors* or *Synods*.

Obj. 2.

It is also said, that the *Council* acknowledged that the Church of *Rome* was the *Head*, and they the *Members*, in their very *Epistle* to Pope *Damasus*.

Anf.

*Bellarmino* confesseth, this is not in their *Epistle*, but the *Epistles* of the *Bishops* as before.

2. If they had thus complemented the Pope, it could not be interpreted beyond the *Head* of a *Primate* and their union with him in the same *Faith*: 'Tis evident enough they intended nothing less than a *Supremacy of Power* in that *Head*, or *subjection of Obedience* in themselves as *Members*.

3. This is evident in the very *inscription* of the *Epistle*, which was not to *Damasus* only, but jointly to others, thus. *Most Honourable and Reverend Brethren and Colleagues*: And the *Epistle* it self is answerable; *We declare our selves to be your proper Members*: but how? *That you Reigning, we may Reign with you*.

4. The Sum is, there were at this time two *Councils*, convened by the same *Emperor Theodosius* both to one purpose; this at *Constantinople*; the other at *Rome*: That at *Rome* was but a particular, the other at *Constantinople* was ever esteemed a *general Council*. Who now can imagine, that the *General* was subject to the *Particular*; and in that sence, *Members*? No, the particular Church of *Rome* then, was not the *Catholick*; they humbly express their *Communion*: *We are all Christs, who is not divided by us; by whose*

whose grace we will preserve entire the body of the Church. They did *συμμεμνησθαι*, (as their word was) their fellow *Members*, which they stiled *συνεργοι* their fellow *Workers*.

This second Canon against the Pope, was never received by the Church of Rome; because *Baron. Bini-*  
*us.* *Fastivè*, as *Baronius*, inter *Acta relatus*.

This is beyond all colour; for the Bishops of Rome opposed it as *unfit*, yet never said it was forged. *Leo*, *Gelasius*, *Gregory*, all took it very ill, but no one said it was false: The Popes *Legates* also in the Council of *Calcedon* made mention of this Canon by way of *Opposition*, but yet never offered at its being *surreptitious*: But that which is, *instar omnium*, in this Evidence, is this; the *Fathers* of the Council of *Calcedon*, in their *Letters* to Pope *Leo*, say, that with *mutual consent*, they confirmed the Canon of 150 Bishops at *Const.* notwithstanding that his Bishops and *Legates*—did dissent therefrom. Now what if a few *Histories* do not mention this Canon, which is all that remains to be said? *Socrates* and *Zozomon* do, and two *positive* Witnesses are better than twenty *Negative*. Besides, though its much against the *Hair of Rome*, yet it's so evident, that *Gratian* himself reports that Canon *verbatim*, as *Acted* in that Council.

## S E C T. IV.

*Objections against the Third General Council at Ephesus, answered.*

Obj. 1. **I**T is said by *Bellarmino*, that they confessed they deposed *Nestorius*, by the Command of *Pope Celestine*.

Ans. 1. We answer; that *Command* should appear in the *Popes Letters* to them, but it doth not; the stile of *Command* was not then in use, for almost

1 *Li 7. Ep. 30.* 200 years after, *Pope Gregory* abhors it.

2. The words intended are these; *tum Ecclesie canonibus, tum Epistolâ Patris (Celestini) & de Nest. l. 1. Collegæ nostri, compulsi*: They were compelled both by the *Canons* and by his *Letters*, therefore they did it by the *Popes Command*; an excellent consequence from the part to the whole. Indeed they first shew, that they were satisfied both by his *Words* and *Letters*, that he had deserved *deposition*; and then acknowledge they ought by the *Canons*, and no doubt would have deposed him, as well as *John of Antioch* shortly after, without the *Popes Authority*; though they give this Complement to *Celestine*, for his seasonable advice, grounded upon the *Canons* and *merits* of the Cause.

Obj. 2. But the *Council*, say they, durst not Judge *John Bishop of Antioch*; and that they reserved him to the Judgment of *Pope Celestine*.

Ans. Strange! *Bellarmino* hence 1. Denies matter of *Fact*, mentioned in the very same *Paragraph*. They durst not depose this *Patriarch*, when they tell



tell the Pope *in terminis* they had done it: *Se il-  
lum prius excommunicasse & omni potestate sacerdo-  
tali exuisse.* What is this but *Deposition*? 2. He  
hence concludes, a wonderful Right; that the  
Pope is *absolutely* above a *General Council*: a con-  
clusion denied by their own *general Councils* of  
*Constance* and *Basil*, ever disclaimed by the *Do-  
ctors of Paris*, as contrary to *Antiquity*; and  
which no *Council* since the *beginning* of *Christia-  
nity* did *expresly* decree; as *Dr. Stapleton* himself  
confesseth; and therefore flies to *Silence* as con-  
sent. *Quamvis nullo decreto publico tamen tacito  
doctorum consensu definita &c. doct. princ. l. 13.  
c. 15.*

But all this is evidently against both the *sence*  
of the *Council* declared in this point, and the  
reason of the *Canon* it self.

1. They sufficiently declared their *sence* in  
the very *Epistle* alledged, where speaking of the  
points constituted by the Pope; *We*, say they,  
*have judged them to stand firm: wherefore we agree  
with you in one sentence, and do hold them (mean-  
ing Pelagius and others) to be deposed:* So that in-  
stead of the Popes confirming *Acts* of *Councils*,  
this *Council* confirms the *Acts* of the Pope, whom  
indeed they plainly call their *Colleague* and *Fel-  
low-worker.* *Epis. Syn.*

2. In the *Acts* or *Canons* (their reason and  
very words, establishing the *Cyprian Priviledge*,  
as hath been shewn) they bound and determine  
the power of *Rome*, as well as other *Patriar-  
chates*; and certainly they therefore never intend-  
ed to acknowledge the *absolute Monarchy* of the  
Pope over themselves, by reserving *John of An-  
tioch* to *Celestine*, after they had deposed him;  
T they

they declare their own end plainly enough: *illius temeritatem animi lenitate vincemus*; that is, as you have it in *Binius*, *Celestine* might try whether by any reason he could bring him to a better mind, that so he might be received into favour again.

## SECT. V.

*Objections touching the Fourth, Fifth, Sixth, Seventh, Eighth General Councils especially. Touching the Fourth General Council of Calcedon, answered. Conclusion.*

Obj. 1.  
Bellar.

**T**His Council styled the Pope, *Oecumenical Patriarch*, or *Universal Bishop*.

The Title was not given by the Council it self, but by two *Deacons* writing to the Council, and of *Paschasius* the Popes Legate in the Council.

2. Though the Council did not question the form of the Title, yet no one can think that they either intended to grant or acknowledge the Popes Universal Authority by such their silence: For, 'tis incredible that the same Council which gave equal Privileges to *Constantinople*, should give or acknowledge an Universal Jurisdiction to *Rome*, over the whole Church.

3. But the words answer themselves; *Universali Archiepiscopo magna Roma*, Universal Archbishop, not of the whole Church, but of Great Rome: Which grand Restriction denies that Universal

universal Power; which they would argue from  
it. The stile of the Roman Emperors is Uni-  
versal Emperor of Rome, and thus is distinguish-  
ed from the Emperors of Turkey and all others;  
and denieth him to be the Emperors of the whole  
world.

Saith *Binius*, in *Annot. in Conc. Calced. Act 3. ex* Obj.  
*Baron.* The Title at first was the Bishop of the  
Universal Church, because it is so read in the  
Epistle of *Leo*; but was altered by some Greek  
Scribe in envy to the Church of *Rome*.

Ans.  
Tis likely that a private man could or durst  
alter the Stile of a General Council, against the  
dignity of the Pope, his Legate present; but 'tis  
more likely that some *Latine Scribe* hath added  
that *Inscription* to the Epistle of Pope *Leo*, in ho-  
nour of the Church of *Rome*; as is confessed by  
*Cassianus* to have been done to the Epistle of *Ana-  
clethus*; and by *Baronius* to have been done to the  
Epistle of Pope *Boniface*; and by three other  
Popes themselves unto the Council of *Nice*, viz.  
*Zosimus*, *Boniface*, and *Celestinus*. And the rather,  
because as was just now noted, this Council at  
the same time, honoured the Bishop of *Constan-  
tinople*, with equal Priviledges to the Bishop of  
*Rome*.

Pope *Leo* opposed this Decree of the Council, Obj. 3i  
and disclaimed it.

Ans.  
No wonder; but it seems General Councils  
were not always of the Popes mind; and the  
Pope would then have had a greater Priviledge  
than a General Council; and if that was a General  
Council, as they themselves say it was, the Con-  
troverisie is ended. For by their own confession,  
this General Council made a Decree against the

Popes pretences of Superiority, and therefore it did not intend, by the Title of Bishop of the whole Church, to acknowledge that Superiority which he pretended; and that Council of 400 Bishops denied him.

Obj.

This Decree was not lawfully proceeded in, because the Legates of the Pope were absent. *Bel. l. 2. de Pont. c. 22.*

Ans.

The Legates were there the next day; and excepted and moved to have the Acts of the day before, read. Actius for the Council sheweth, that the Legates knew what was done; all was done Canonically: Then the Acts being read, the Popes Legates tell the Council, that Circumvention was used in making that Canon of Priviledges, and that the Bishops were compelled thereunto. The Synod with a loud voice cryed, *Joynly*, we were not compelled to subscribe. After, every one severally protest, I did subscribe willingly and freely, and the Acts are ratified and declared to be just and valid; and wherein say they, we will persist: the Legates are instant to have the Act revoked, because the Apostolical See is humbled or abased; thereto the Fathers unanimously answered, the whole Synod doth approve it. This clear account we have in *Bin. in Concil. Calced. Act. 16. p. 134, and 137.*

Bellarmino saith, that the Pope approved all the Decrees of this Council, which were *de fide*: and doth not Bellarmine argue that the Popes Superiority is *Jure divino*? and the present Church of Rome hold, that his Supremacy is a point necessary to Salvation? How comes it to pass, that he would not approve this Decree? or how can they esteem this Council general and lawful, and swear



swear to observe the decrees of it; when 'tis found guilty of *Heresie* in so great a point as the Popes Primacy?

But to end with this, the very Title it self of *Bishop of the Universal Church*, in the stile of those Ages, signified certainly neither Supremacy nor Primacy; *Universal Bishop* of the Church seem'd a dangerous Title, importing universal Power over it, and was therefore so much abhorred by Pope Gregory. But the Title of *Bishop of the Universal Church* signified the care of the whole Church, to which, as Origen saith, every Bishop is called: Therefore *Aurelius*, *Fortunatianus*, *Augustine*, are called Bishops of the *Universal Church*, and many in the *Greek Church* had the same honourable Titles given them; which signified either that they professed the *Catholick Faith*, or as Bishops, had a general regard to the good of the *Catholick Church*.

But your own Jesuite confesseth, that *Pelagius* *Azorius* and *Gregory* both Popes, have born witness that no Bishop of *Rome* before them, did ever use the stile of *Universal Bishops*. However, *Universal Patriarch* makes as great a sound as *Universal Bishop*; yet that Title was given to *John Bishop of Constantinople*, by the Bishops of *Syria*. Cod. Authent. Constit. 3.

The custody of the *Vine*, i. e. the whole Church, the Council saith is committed to the Pope by God. Obj. Bull. de Pont. l. 2. c. 13.

True, so that Primitive Pope *Elutherius* said to the Bishops in *France*, the whole *Catholick Church* is committed to you. St. *Paul* also had the care of all the Churches, but that is high which *Greg. Nazian.* saith of *Athanasius*; that he having the



presidence of the Church of *Alexandria*, may be said thereby to have the Government of the whole *Christian World*. *Sai. Tom. 16. in 1 Pet. 3.*

Bishop  
Morton.

Now, saith a Learned man, we are compelled to ask with what Conscience you could make such Objections in good earnest, to baffle your Adversaries and seduce your Disciples withal, whereunto you your selves could so easily make answer.

obj.

We find no further objection against the other Councils, worthy Notice: *Bellarmino* argues the Popes Supremacy, because the Synod of *Const.* being the Fifth General Council, complemented the Pope as his Obedient Servants; nos *(inquit)* *Præferimus* *Apostolicam Sedem sequimur & obedimus*, &c. *Bell. lib. 2. de pont. c. 13.* Though this very Council both opposed, accused, and condemned the Pope for *Heresie*; which could not possibly consist with their acknowledgment of his Supremacy or *Infallibility*.

The same is more evident, in the sixth, seventh, and eighth General Councils, condemning the Persons and Judgments of; and giving Laws to the Bishops of Rome; to which nothing material can be objected, but what hath been more than answered.

*Binius* indeed in his *Tract. de Prim. Eccl. Rom.* gives us the sayings of many ancient Popes for the Supremacy pretended; especially in two points, The Power of Appeals, challenged by Pope *Anacetus*; *Zepherinus*, *Fabianus*, *Sixtus*, and *Symachus*; and Exemption of the first See from censure or judgment by any other power; claimed by Pope *Sylvester* and *Gelasius*. But these are Testimonies of Popes themselves in their own cause, and besides both the *two* points have been found

found so directly and industriously determined otherwise by their own *General Councils*, that further answer is needless.

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## CONCLUSION.

**T**HUS *Objections* being removed, the Argument from the *Councils* settles firm in its full strength; and seeing both the ancient *Fathers* and the *Catholick Church* have left us their sense in the said *Councils*; and the sense of the *Councils* is also the received and professed faith of the *present Church of Rome* it self; who can deny that the *Catholick Church* to this day, hath not only not *granted* or *acknowledged*, but even most plainly *condemned* the pretended Supremacy of the Bishop of *Rome*: Yea who can doubt but our Argument against it, is founded upon their own *Rock*, the very constitution of the *Papacy* it self, as before hath appeared?

Therefore the Popes claim upon this Plea, as well as upon any or all the former, is found groundless; and *England's* Deliverance from his *foreign Jurisdiction*, just and honest as well as happy: Which our good God in his wise and merciful Providence, ever Continue, Preserve, and Prosper. *Amen, Amen.*

found to be in the hands of the  
author of the book, and  
therefore it is not necessary

# CONCLUSION

The object of this book is to show the  
reasons from the various sources  
which have been used in the  
writing of the book, and to show  
that the book is not only  
correct in its facts, but also  
in its conclusions. The book  
is not only a work of history,  
but also a work of philosophy,  
and it is hoped that it will  
be found to be of interest  
to all who are concerned  
with the history of the  
Church, and with the  
history of the world.

A Serious ALARM to all  
sorts of ENGLISH-MEN  
against POPERY, from  
Sense and Conscience; their  
OATHS and their IN-  
TEREST.

1. **T**He *Kings of England* seem bound, not only by their Title, but in *Conscience* of their Ministry under God, to defend the *Faith* and the Church of Christ within their Dominions, against *Corruption* and *Invasion*, and therefore against *Popery*.

They are also bound in *Honour*, *Interest*, and *Fidelity*, to preserve the *Inheritance* and Rights of the Crown; and to derive them *entire* to their Heirs and Successors; and therefore to keep out the Papal Authority.

And lastly, 'tis said they are bound by their *Oaths* at their Coronation, and by the *Laws* of Nature and *Government*, to maintain the *Liberties* and Customs of their people; and to govern them according to the *Laws* of the Realm, and consequently not to admit the foreign Jurisdiction

dition of the Pope, in prejudice of our ancient *Constitution*, our common and Ecclesiastical *Laws*, our natural and legal *Liberties* and *Properties*.

2. The Nobility of *England* have *anciently* held themselves bound, not only in honour, but by their *Oaths*, *Terrae & honores Regis &c.* to preserve together with the King, the Territories and honours of the King, (*omni fidelitate ubique*) most faithfully; and to defend them against Enemies and *Foreigners*, meaning especially the Pope of *Rome*. 'Tis expressed more fully in their *Letter* to the Pope himself, in *Edw. 1.* Reign, to defend the *Inheritance* and Prerogative of the *Crown*, the *State* of the *Realm*, the *Liberties*, Customs and *Laws* of their Progenitors, against all foreign Usurpation, (*toto posse, totis viribus*) to the utmost of their power, and with all their might, adding, *We do not permit, or in the least will permit, (sicut nec possumus nec debemus)* though our Sovereign Lord the King do, or in the least wise, attempt to do any of the Premises, (*viz.* owning the Authority of the Pope, by his answer touching his Right to *Scotland* so strange, so unlawful, prejudicial, and otherwise unheard of, though the King would himself

See that famous *Letter* sent to the Pope, the 29. of *Edw. 1.* taken out of *Chr. Christi College Library*, and printed this year at *Oxford*, the reading of which gave the occasion of these *Meditations*.

3. It appears farther, in the *Shoet* where you have that *Letter*, that the *Commons* in *Parliament* have heretofore held themselves bound,



to resist the invasion and attempts of the Pope, upon *England*, though the *King* and the *Peers* should connive at them; their words are resolute, *Si Dominus Rex & Regni majores hoc vellent* (meaning Bishop *Adomer's* Revocation from Banishment upon the Popes order) *Communitas tam ipsius ingressum, in Angliam nullatenus sustine-* ret. This is said to be recorded about the 44 of *Hen. 3.*

4. It is there observed also, that upon the Conquest, *William* the Conquerour made all the Freeholders of *England* to become sworn Brethren, sworn to defend the *Monarchy* with their Persons and Estates to the utmost of their Ability; and manfully to preserve it: So that the whole Body of the people; as well as the Lords and Commons assembled in *Parliament*, stood anciently bound by their Oath, to defend their King and their Country against Invasion and Usurpation.

5. The present Constitution of this Kingdom, is yet a stronger Bulwark against Popery: Here- tofore indeed the Papal pretensions were checkt, sometimes in temporal, sometimes in spiritual concerns and Instances: But upon the Reforma- tion, the Popes Supremacy was altogether and at once rejected, and thrown out of *England*; and the consequence is, an universal standing obliga- tion upon the whole Kingdom, by Statutes, Cu- stoms, and most solemn Oaths, to defend our Mo- narchy, our Church, our Country, and our Poste- rity, against those Incroachments and that Thral- dom, from which we were then so wonderfully delivered, and, for this hundred years have been

so miraculously preserved, blessed be God.

Accordingly in our present *Laws*, both the *Temporal* and *Ecclesiastical* Supremacy is declared to be inherent in the Crown; and our Kings are sworn to maintain and govern by those *Laws*: And I doubt not but all *Ministers* of the *Church*, and all *Ministers* of *State*, and of *Law* and *War*, all *Mayors* and *Officers* in *Cities* and *Towns* corporate &c. together with all the *Sheriffs* and other *Officers* in their several *Countries*; and even all that have received either *Trust* or power from his Majesty within the Kingdom: All these I say, I suppose are sworn to defend the King's *Supremacy* as it is inconsistent with, and in flat opposition to *Popery*.

In the Oath of *Allegiance*, we swear to bear true *Allegiance* to the King, and to defend him against all *Conspiracies* and *Attempts*, which shall be made against his Person and Crown, to the utmost of our power; meaning especially the *Conspiracies* and *Attempts* of *Papists*, as is plain by that which follows in that *Oath*, and yet more plain by the Oath of *Supremacy*.

In which Oath we swear, that the King is the only *Supreme* Governor in this Realm, as well in all *spiritual* things and causes, as temporal; and that no foreign Prince or *Prelate*, hath or ought to have any *Jurisdiction Ecclesiastical* within this Realm; and that we do abhor and renounce all such. We swear also, that we will bear Faith and true *Allegiance* to the King—and to our power assist and defend all *Jurisdictions*; viz. *Ecclesiastical* as well as *Temporal*, granted or belonging to the Kings Highness,

6. Now next to Oaths, nothing can be thought to oblige us more than Interest: But if neither *Oaths* nor *Interest*, neither *Conscience* nor *Nature*, neither *Religion* nor *self-Preservation*, can provoke us to our own *defence*; what remains! but a certain fearful expectation of judgment to devour a perjur'd and senseless Generation.

If either our joynt or several Interests be considerable, how are we all concern'd?

1. Is there any among us that care for nothing but *Liberty* and *Mony*? they should resist *Popery*, which would many ways deprive them of both.

2. But if the knowledge of the Truth, if the Canon of life in the holy *Scriptures*, if our *Prayers* in our own tongue, if the *Simplicity* of the Gospel, the *purity* of Worship and the *Integrity* of Sacraments, be things valuable and dear to *Christians*; let them abhor *Popery*.

3. If the *ancient Priviledges* of the *Brittish Church*, the *Independency* of her Government upon *Foreign Jurisdiction*; if their legal *Incumbencies*, their *Ecclesiastical Dignities*; if their opportunities and capacities of *saving Souls* in the *continuance* of their *Ministries*; if their judgment of *discretion* touching their *Doctrine* and *Administrations*; their judgment of *Faith*, *Reason*, and *Sence*, touching the *Eucharist*; if exemption from unreasonable impositions of strange *Doctrines*, *Romish Customs*, groundless *Traditions*, and *Treasonable Oaths*: And lastly, if freedom from spiritual Tyranny and bloody *Inquisitions*; if all these be of consequence to *Clergy-men*, let them oppose *Popery*.

4. If our *Judges* and their several *Courts* of *Judicature*, would preserve their *Legal proceedings*,

ceedings, and judgments and decrees; if they would not be controlled and *superfeded* by Bulls, Sentences and Decrees from the Pope, and Appeals to Rome; let them never yield to Popery.

5. If the Famous Nobility and Gentry of England would appear like themselves and their heroick Ancestors, in the defence of the Rights of their Country, the Laws and customs of the Land, the Wealth of the people, the Liberties of the Church, the Empire of Britain, and the grandeur of their King, or indeed their own honour and Estates in a great measure; let them never endure the re-admission of Popery.

6. Yea, let our great Ministers of State, and of Law, and of War consider, that they stand not firm enough in their high and envied places, if the Roman Force breaks in upon us; and remember, that had the late bloody and barbarous design taken effect, one consequence of it was, to put their places into other hands: And therefore in this capacity as well as many other, they have no reason to be Friends to Popery.

7. As for His Most Excellent Majesty, no suspicion either of inclination to, or want of due vigilance against Popery, can fasten upon him; and may he long live in the Enjoyment, and under a worthy Sense of the Royalties of Monarchy, and the honour and exercise of his Natural and Legal Supremacy, in all Causes and over all Persons within his Dominions, both Civil and Ecclesiastical, his Paternal Inheritance of Empire, and at last leave it intirely to his Heirs and Successors upon Earth, for a more glorious Crown in Heaven. And in the mean time, may he defend the Faith of Christ, his own Prerogative, the



the Rights, Priviledges, and Liberties and Estates of his People, and the defensive Laws and Customs of his Royal Progenitors: And therefore may he ever manage his Government, both with Power, Care and Caution, in opposition to the force, and detection and destruction of the hellish Arts and traiterous designs and attempts of Popery.

8. I Conclude, that if the *precious* things already mentioned, and many more, be in evident danger with the Return of Popery, let us again consider our *Oaths* as well as our *Interest*; and that we have the *Bond of God* upon our Souls; and, as the Conquerors words are, we are *Jurati Fratres*, we are sworn to God, our King and Country, to preserve and defend the things so endangered, against all foreign Invasion and Usurpation, i. e. against Popery. Accordingly, may our Excellent King and his Councils and Ministers; may the Peers of the Realm, and the Commons in Parliament; may the Nobility and Gentry, may the Judges and Lawyers, may the Cities and the Country, the Church and State, and all Ranks and Degrees of Men amongst us; may we all, under a just Sense, both of our *Interest* and our *Oaths*, may we all as one man, with one heart stand up resolved by all means possible to keep out Popery; and to subvert all grounds of Fear of its Return upon England for ever. Amen, Amen.

Origen, Cont. Cels. l. 3.

• εἶω δὲ καὶ ἄρχοντα ἐκκλησίας ἐκάστης πόλεως  
ἄρχοντι τῶν ἐν τῇ πόλει συνελθόν.

It



It is fit that the Governor of the Church of each City, should Correspond to the Governor of those which are in the City.

*Præsumi malam fidem ex Antiquiore Adversarii possessione. Leg. Civil.*

*Ad transmarina Concilia qui putaverint appellandum, a nullo intra Africam in communionem recipiantur. Concil. Milevitan.*

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THE  
OATHS  
OF  
ALLEGIANCE  
AND  
SUPREMACY.

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The Oath of ALLEGIANCE.

**I** A. B. Do truly and sincerely acknowledge,  
profess, testifie and declare in my Con-  
science before God and the World, that  
our Sovereign Lord King Charles is Law-  
ful and Rightful King of this Realm, and  
of all other his Majesties Dominions and  
Countries : And that the Pope, neither of  
himself, nor by any Authority of the Church  
or See of Rome, or by any other means with  
any other, hath any Power or Authority to  
depose the King, or to dispose any of his Ma-  
jesties Kingdoms or Dominions, or to Au-  
thorize

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thorize any Foreign Prince to Invade. or Annoy Him or his Countries, or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty, or to give License or leave to any of them to bear Arms, raise Tumults, or to offer any violence or hurt to his Majesties Royal Person, State or Government, or to any of his Majesties Subjects within his Majesties Dominions.

Also I do swear from my Heart, that notwithstanding any Declaration or Sentence of Excommunication or Deprivation made or granted, or to be made or granted by the Pope or his Successors, or by any Authority derived or pretended to be derived from him or his See, against the said King, his Heirs or Successors, or any Absolution of the said Subjects from their Obedience; I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and Him and Them will defend to the uttermost of my power, against all Conspiracies and Attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by reason or colour of any such Sentence or Declaration, or otherwise; and will do my best endeavour to disclose and make known unto his Majesty, his Heirs and Successors, all Treasons and Traiterous Conspiracies which I shall know or hear of, to be against Him or any of them.

And I do further swear, That I do from  
my

my heart abhor, detest and abjure, as impious and heretical, this damnable Doctrine and Position, That Princes which be excommunicated or deprived by the Pope, may be Deposed or Murthered by their Subjects, or any other whatsoever.

And I do believe, and in Conscience am resolved, That neither the Pope, nor any person whatsoever, hath power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully Administred unto me, and do Renounce all Pardons and Dispensations to the contrary. And all these things I do plainly and sincerely acknowledge, and Swear according to these expresse words by me spoken, and according to the plain and common sence and understanding of the same words, without any Equivocation or mental Evasion, or secret Reservation whatsoever: And I do make this Recognition and Acknowledgment heartily, willingly and truly, upon the true Faith of a Christian. So help me God, &c.

## The Oath of SUPREMACY.

**I** A. B. Do utterly testifie and declare in my Conscience, That the Kings Highness is the only Supreme Governor of this Realm, and of all other his Highness Dominions and Countries, as well in all Spiritual or Ecclesiastical Things or Causes, as Temporal: And that no Foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority Ecclesiastical or Spiritual within this Realm: And therefore I do utterly renounce and forsake all Foreign Jurisdictions, Powers, Superiorities and Authorities, and do promise from henceforth I shall bear Faith and true Allegiance to the Kings Highness, his Heirs and lawful Successors, and to my Power shall assist and defend all Jurisdictions, Priviledges, Pre-eminences and Authorities granted, or belonging to the Kings Highness, his Heirs and Successors, or united and annexed to the Imperial Crown of this Realm. So help me God and by the Contents of this Book.

T H E E N D.



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LEGES ANGLIÆ.

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THE  
LAWFULNESS  
OF  
Ecclesiastical Jurisdiction  
IN THE  
CHURCH OF ENGLAND,  
Asserted and Vindicated  
In ANSWER to  
Mr HICKERINGILL's  
Late Pamphlet Stiled  
NAKED TRUTH, the 2<sup>d</sup> Part.

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Gen. II. ult.  
*Naked ----- but not asbamed.*

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By *Fran. Fullwood*, D. D. Archdeacon of  
*Totnes in Devon.*

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L O N D O N,  
Printed for *R. Royston*, Bookseller to the King's  
most Excellent Majesty, at the Sign of the  
*Angel in Amen-Corner*, 1681.

LAWRENCE  
 GENERAL INVESTIGATION  
 IN THE  
 COURT OF HONORABLE  
 JUDGES  
 LAWRENCE  
 MR. HICKERLEY

# TO THE READER

**I** MUST beg my *Readers* pardon, that I have not chastised so spiteful an *Adversary*, according to his merits and *provocations*; for I verily want his *Talent*, and dislike the *Sport*.

I confess that when a *Divine* of the Church of *England*, who hath also a share in her *Government*, when such a one shall be taken throwing dirt in the face of his *Mother*, *Fathers*, *Brethren*, and his own *Profession*, he cannot but expect to be lashed to purpose, and to be told roundly, that none but accursed *Children* and very *fools* would speak such *Naked Truth*.

Some *Censors*, that observe his endeavours, to make not only the *Canons* of the *Church*, but the very *Canon* of *Scripture* it self to vail to the *Law* of the Land, would charge him with the *profaneness* of *Hobbs*: yea, others that find him playing tricks, and sporting (according to his little wit) with the very *names* of *Canon*, *Clergie*, *Church* and *Church-men*; and scoffing at almost all that's *Sacred*, will take

## TO THE READER.

him to be at *Hugh Peters's* game, and running his wretched race.

But while he damns the *Presbyterians*, *Independents*; and the *Fifth-Monarchy*, together with the *Church of England*, he tempts the *Wits* to produce thirty one reasons to prove he is something, *viz.* a *Papist*; notwithstanding his drollery and railery about *Foppery* and *Popery*.

Lastly, For *Pride*, *Envy*, *Wrath*, *Malice*, *Spite* and *Revenge*, some say he is a very *Angel of Light*, and in somewhat more excellent; for the *Scriptures* witness that the *Devil* himself spake many words both of *truth* and *soberness*; and that he seldom or never speaks like an *Atheist*.

For my part, I say nothing of him further than this, That if others can find Truth in the man, I cannot: And though I am sure he lies open and *naked* enough, yet I had never troubled my self to *expose* him, had it not been to secure the *Government*, and to preserve the *Simple* from being betray'd to the danger of the *Laws* by the insolent *Rant* of a pitiful *Sophister*.

THE



# THE P R O E M E.

*The Contents of it.*

1. Power purely Spiritual of Divine Right.
2. Emperors confirm'd Bishops-Canons.
3. The force of our Canons not from Rome.
4. Officers of our Courts.
5. Magna Charta.
6. The Authors Concessions.

1. **D** *If courſing in the following Treatiſe of the Forenſic Jurisdiction of this Church, as Eſtabliſh'd by the Law of the Land, we had no direct or neceſſary occaſion to ſpeak of the Churches Power, as purely Spiritual, touching Preaching, the Sacraments and Cenſures.*

*For this is certainly of Divine Right; and was given to the Church by Chriſt himſelf, with the Keys of the Kingdom of Heaven; and was*

## THE PROEME.

accordingly exercised in the Apostles times, and several hundred years after, without the allowance of the Civil Magistrate; and was also supposed, allowed, and admitted as such in our own Kingdom; and by all the world, even with their receiving Christianity, without question or Alteration, as is evident in all our Histories: and indeed our own Laws exclude this purely Spiritual Power of the Keys from the Supremacy of our Kings, except it be to see that Spiritual men do their duty therein.

2. Neither doth it concern me to enquire what Power the Church had, and exercised after the Empire became Christian: only it seems very clear, that Constantine, and the other eminent Christian Emperors never made any Ecclesiastical Laws without the Counsel of Bishops; but only in Confirmation, or for the Execution of Ecclesiastical Canons: Yet it cannot be denied, but they called Councils; they approved their Canons; and afterwards enter'd them into the body of their Laws; and still ratified the Sentences of Ecclesiastical Judges with Civil penalties.

3. Nor yet is't my present Province to recollect what Influence Imperial Christian Rome had upon the Tender Age, and immature State of the new born Church of England: though we do not deny, but it might be considerable, both as to the Form and Order of our External Jurisdiction

on

## THE PROEME.

on in our inferiour Ministers and ancient Canons.

But how great soever it was, it was at first only by way of Example and Direction: and when afterwards it was by Command, it was such Command, as according to the Rights and Constitution of this Church, had no Legal obligation upon us, but by our own consent; and as it became part of our own Establishment, either by Custom or express Law; upon such an occasion the ancient State of England cry out, *Nolumus mutare Leges Angliæ.* This Realm hath been and is free from Subjection to any mans Laws, but only to such as have been devised — within this Realm, or to such other as by sufferance of your Grace and your Progenitors, the people of this Realm have taken at their free liberty, by their own consent to be used amongst them; and have bound themselves by long use and Custom to the observance thereof; not as to the observance of the Laws of any foreign Prince, 25 Hen. 8. 21.

For (as Coke declares in *Cawdries Case*) as the Romans fetching diverse Laws from Athens, yet being approved and allowed by the State there, called them *Jus Civile Romanorum*; and as the Normans borrowing all or most of their Laws from England, yet baptized them by the name of the Laws or Customs of Normandy; so albeit, the Kings of England derived  
their

## THE PROEME.

*their Ecclesiastical Laws from others, yet so many as be proved, approved and allowed here, by and with a general consent, are aptly and rightly called, The Kings Ecclesiastical Laws of England.*

4. *As for the Inferior Ministers in the Ecclesiastical Courts, that seem to be so offensive to weak people, that they are, not Popish, or so slanderously to be reported, there is this plain demonstration, that these Courts are the Kings Courts, and the Laws thereof are the Kings Laws; and that notwithstanding all the severe Statutes, especially since the Reformation, against all foreign Jurisdiction, and all such as act under, or by virtue of any foreign Power within this Realm; yet such Ministers are both permitted and required to execute their places in the said Courts by the Laws and Statutes of the Kingdom.*

*But grave Mr. Hickeringill saith, there is not the least Specimen of Chancellors, Registers, Sumners, Officials, Commissaries, Advocates, Notaries, Surrogates, &c. or any ejusdem farinae in holy Writ: and hence 'tis learnedly inferred by some, that we have made so many new Officers in the Church of Christ.*

*But how witless and Quaker-like is this? and how unlike Mr. Hickeringill? I should suspect he would call for Scripture, for an hour-Glass, and for Clerks and Sextons, were it not that he is so palpably in the service of a vile Hypothesis,*  
that



## THE PROEME.

that will stand upon no better grounds ; for he knows, that these are not so many new Officers of the Church, but only Assistants allow'd by Law under Bishops, and such other Spiritual men as have proper power of Ecclesiastical Jurisdiction: he knows there is no other Canon, but the Law of the Land ; and that the Civil Magistrate hath power to tell us what is Scripture : and that he hath told us S. Paul's Epistles are so, where we read of helps in 1 Cor. 12. 28. Government ; and that Chancellors, Commissaries, Officials and Surrogates are but such helps under different names, from the severall ways and degrees of their Delegation : That Registers are but to make and keep the Acts of Court, &c. Advocates and Proctors to order and manage Causes ; and Apparators to serve Processe, and execute Mandates : and that none but one in Orders meddles with the Keys, either for Excommunication or Absolution ; Mr. Hickersingill is a man of great experience in Spiritual Jurisdiction, and need not be told of these plain matters.

5. And seeing the Statist will not be quieted, but by Argument taken from Law ; I have written the following Treatise, wherein I hope I have sufficiently demonstrated, that our Ecclesiastical Courts are Establish'd in the Laws and Statutes of this Kingdom. Our Magna Charta it self, or the great Charter of the English Liberties



## THE PROEME.

*ties doth suppose and acknowledge the Legalexercise of Ecclesiastical Jurisdiction by the forementioned Ministers, as one of the Ancient Rights and Liberties of this Church; and doth also ratifie, confirm and establish it for ever; at least in the Judgment of my Lord Coke, in these words.*

*This Charter is Declaratory of the Ancient Law and Liberty of England. — [ Et habeat omnia Jura sua integra ] that is, that all Ecclesiastical persons shall enjoy all their lawful Jurisdictions, and other their Rights, wholly without any Diminution or Subtraction whatsoever: and [ Jura sua ] shew plainly, that no new right was given unto them, but such as they had before, hereby are Confirmed.*

*Libertates suas illasas ] Libertates are here taken in two Sences; 1. For the Laws of England. 2. For Priviledges held by Parliament, Charter or Prescription more than Ordinary. Coke Magna Charta. By all which Titles the Church of England ( Ecclesia non Moritur, but Moriuntur Ecclesiastici ) holds her Ancient Liberty of keeping Courts to this day.*

*6. Yet I do not say but the manner of proceedings in these Courts may be justly and reasonably altered, as his gracious Majesty may be advised; and yet the true Liberty of the Church be rather fortified than Violated.*

*Therefore, after some Overtures made lately, by a far greater Person, in a larger Sphere, my*  
*Narrower*

## THE PROEME.

Narrower subject may suffer me humbly to offer my thoughts touching some Alterations, that perhaps might not prejudice our Ecclesiastical Ministers, or their Courts; with all due submission to my Superiors.

These things following have been long in my thoughts.

1. That a speedier way might be appointed for the dispatch of Causes in the Spiritual Courts than the present Legal Rules thereof will allow.

2. That trivial matters (such as small Tithes and Church-Rates) might be summarily ended, without exposing the solemn Sentence of Excommunication, as is generally complain'd. Especially considering that the Statute touching the Writ de Excom. capi. (as well as Vulgar apprehension) makes a difference in Original Causes; though indeed the immediate cause of all Excommunication is always the contempt of the King's Ecclesiastical Jurisdiction, in not obeying, either its Summons or Sentence; both these perhaps may be contriv'd by wise men, without prejudice to the said Jurisdiction.

3. That there is reason to reascertain the Fees for Probates of Wills, and granting Letters

## THE PROEME.

*ters of Administration, with some moderate respect had to the difference of the value of Money, when the former Act was made; and at this time, so as the Officers in the Kings Spiritual Courts may live upon their Employment.*

4. *And why Excommunication decreed in Court may not be sent to the Parochial Minister, to be, not only declared, but Executed by him, as the Bishops Surrogate; and convenient time allowed him to endeavour to reconcile the offender, and to prevent the Sentence, if it may be, I see not, if that may give any satisfaction.*

*Such kind of Alterations perhaps may be admitted without real prejudice to the Church, or rather with advantage, as well as those made by the Conqueror, when he divided the Ecclesiastical from the Civil Courts: The Law by which he made that Division is famous, the clauses of it concerning this matter may be desired by the Reader, therefore I shall take the pains to transcribe them; they are these:*

“Willielmus Gratia Dei, Rex Anglorum, &c.  
 “William by the Grace of God, King of Eng-  
 “land --- to all --- that have Land in the Bi-  
 “shoprick of Lincoln; know ye all, and all others  
 “my faithful People in England, that the Episco-  
 “pal Laws, that have [ Non bene ] not well been  
 “exercised, nor according to the Precepts of  
 “holy

## THE PROEME.

" holy Canons, even to my time in this King-  
 " dom (Concilio Communi) with Common  
 " Counsel, and with the Counsel of the Bishops  
 " and Abbots, and all the chief men of my King-  
 " dom, I judge (fit) to be amended. Moreover,  
 " I Command, and by my Kingly Authority in-  
 " joyn, That no Bishop or Archdeacon de Legibus  
 " Episcopalibus, hold (Placita) Pleas any long-  
 " er in Hundret, nor bzing any Ecclesiastical Cause  
 " to the Judgment of Secular men; but whosoever  
 " shall be called or questioned for any Cause ac-  
 " cording to the Ecclesiastical Lawes, he shall come  
 " to the place which the Bishop shall chuse, and  
 " there shall answer for his Cause; and not secun-  
 " dum Hundret; and he shall do right to God and  
 " the Bishop; not according to the Hundred, but ac-  
 " cording to the Canons and Episcopal Lawes.

" ---- But if any through pride will not appear  
 " [ Venire ad Justiciam Episcopalem ] let him be  
 " called the first, second and third time, and if yet  
 " he will not come, let him be Excommunicated,  
 " and if need be, let the Strength and Justice of the  
 " King or Sheriff, ad hoc Vindicandum adhibea-  
 " tur ---- This also I defend, and by my Authori-  
 " ty interdict, that no Sheriff or other Minister of  
 " the King, or any Lay-man do intermeddle with the  
 " Lawes which belong to the Bishop.

Give me leave to subjoyn a few Notes upon  
 this Law of the Conqueror and I have  
 done.

1. The substance and matters of Ecclesia-  
 stical Power and Connusance, was the same long  
 before



## THE PROEME.

before this Law was made, and not Altered by it: 'twas a Law of King Alured. *Siquis De rectitudines aliquas deforciat, reddat lathlite cum Dacis, witam cum Anglis:* And the same is afterwards confirmed and renewed by Canutus and other Kings: whereby it appeareth, that long before the Conquest the Authority and Jurisdiction of the Church was maintained by the settled Laws of the Kingdom; and that Ecclesiastical Judges had power so anciently to Excommunicate; and had the help of the King and the Sheriff to proceed against the obstinate.

2. 'Tis yet very remarkable, that for the form and manner of their Spiritual Courts and proceedings before the Conquest, it was not here in England as it was at Rome; and therefore our most Ancient Church-Government was not derived or Received from Rome! This Law observes, that before the Conqueror, the Precepts of holy Canons, as to distinct Jurisdictions, were not observed in England; that is, the Canons of the Imperial Church, for six or seven Hundred years before the Jurisdiction of that Church was divided from the Civil, even by the Emperor Constantine himself; but for so many hundred years before the Conquest, our Jurisdictions were exercised together in Hundret, as the Law acknowledgeth, and is confessed.



## THE PROEME.

3. We here see a plain Establishment of our Spiritual Courts, with power of Excommunication, for non-appearance, in the letter of this Ancient Law, under the Kings defence, and enforced with the Secular Arm; and 'tis observable, that the distinction of the Ecclesiastical from the Civil Courts, was made in the Kings own Name, and not the Pope's, by the Kings power and none other; with the Counsel of his own Subjects only, and not of Rome that we read of; and only with respect, and not in any obedience to the ancient Canons or foreign methods: And thus the Jurisdiction in our Courts Ecclesiastical as distinct from the Civil, is as far from being Popish in their Original, as it was when they were conjoyned; and therein so unlike to the distinct proceedings of the Spiritual power beyond the Seas so many hundred years before: And thus our Spiritual Courts, both before they were divided, and when they came to be divided from our Civil Courts, stand firm in the Ancient Laws of this Land.

4. There are certain great Epoche's of the Legal Establishment of the Churches power, which I shall but touch; 1. It was received with Christianity, and grew and flourished by our Ancient Laws before the Conquest. 2. In the beginning of our Norman Constitution, it was thus distinguished and establis'd by the Conqueror. So it was in Magna Charta, the first Statute.

## THE PROEME.

3. Upon the Reformation in Hen. 8. it was re-  
establish'd. 4. So it was upon the Return of  
Reformation after Queen Mary by Queen Eliz.  
And 5. so likewise upon the Return of our present  
gracious Sovereign King Charles II.

5. Further, I hence observe, that some Al-  
terations in Ecclesiastical proceedings may be made  
by Law, without any prejudice to the Churches  
power: 'Tis observed out of Spelman before,  
that by this Law the Conqueror did not lessen  
the Churches power: indeed some Inconvenien-  
ces are usually consequent to publick changes;  
and 'tis thought by our Civilians, that the many  
prohibitions which interrupt our Ecclesiastical  
Courts are occasioned by their being divided from  
the Temporal: but may not that inconvenience  
be accidental to that Division? Or if at any  
time there be just cause for the Church to com-  
plain in that respect, is it not rather of the Judge  
than the Laws or the Constitution?

But to the matter before us; I admit, for In-  
stance, that after Summary hearing and Sen-  
tence of the Judge, in Cases of small Tithes,  
Church rates, and such trivial matters, a Ju-  
stice of the Peace, or some other person being le-  
gally certified, were impowered and obliged to  
grant Warrants of Distress: It seems to me a  
greater inconvenience in exposing Excommuni-  
cation in such light Causes would be hereby remo-  
ved,

## THE PROEME.

*ved, than any contracted by such an Alteration;  
and methinks no one should disdain the new Of-  
fice, seeing the Superior Judge hath been ever  
bound to issue out the Writ de Excom. Cap,  
and the Sheriff to imprison the party, upon a  
Certificate from the Bishop.*

*But I must humbly leave such things to wiser  
Judges.*

---

THE PROBLEM

But I must finally leave this thing to the  
Judges.

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## *The Bookseller to the Reader.*

THE absence of the Author, and his inconvenient distance from London, hath occasioned some small *Errata's* to escape the Press. The Printer thinks it the best instance of pardon, if his Escapes be not laid upon the Author, and he hopes they are no greater than an ordinary understanding may amend, and a little charity may forgive.

*R. Royston.*

---

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J. Bayly.

## CHAP. I.

### The General Proposition:

THE

### *Ecclesiastical Jurisdiction,*

*As now Exercised in the Church of  
England, is Allow'd and Establish'd  
by the Laws of the Land.*

#### SECT. I.

*An Account of the Method.*

**A**FTER so many hundred years  
confirmation, both by Law and  
Practice, 'tis a marvellous thing  
this should be a question: yet, of  
late two worthy Gentlemen, treading in  
the steps of some former Male-contents,  
have ventured to make it one. Mr. Edmond  
Hickeringill, and Mr. H. Cary: the first, in  
his Book called *Naked Truth*, the Second  
part: the other, in his, modestly stiled,  
*The Law of England*: And it is to be ob-

B

served,

served, they were both Printed very *seasonably* for the settling our distractions through the fears and danger of *Popery*.

I shall note what they say, discover their gross and dangerous *mistakes*, answer and remove their pitiful *Objections*, and then endeavour to satisfy ordinary and honest enquirers both *that*, and *how* our *Ecclesiastical Jurisdiction* stands firm and unshaken upon the *basis* of our *English Laws*.

## SECT. II.

Mr. Hickeringill's Reasoning Noted and Re-  
solved.

Mr. Hickeringill is pleased to say, that upon the Stat. 1 *Eliz.* 1. was built the *High Commission Court*, and the Authority of all *Canon-makers Synodical*; but down came the *Fabrick*, when that Act was Repealed by 17 *Car.* 1. 11. and 13 *Car.* 2. 12.

Where provision was made by striking at the foundation 1 *Eliz.* 1. that no more *Commissions* of that nature be granted any more; only the *Spiritual Courts* by 13 *Car.* 2. 12. were to be in *Statu quo*, wherein they were 1639. What state? no great I'll warrant you, if the *Basis*, on which their *Star-Chamber* and *High-Commission Court* were built, be taken away.

All *Ecclesiastical Jurisdictions* till *Hen.* 8. were derived from the Pope, as *Supream* of the Church: this Head being beheaded, the  
Supre-



Supremacy was invested in the Crown,

But 1 Edw. 6. 2. Enacts, that all *Process* Ecclesiastical should be in the *Name* and with the *style* of the *King*, &c. So that if there be any Ecclesiastical Jurisdiction in *England* distinct from his Majesties *Lay Courts*, all their *Processes* must be in the Kings Name, &c.

'Tis true 1 Edw. 6. 2. is repealed by the 1 Mar. 2. but I care not for that, for 'tis revived by the *Act* of repeal 1 Jac. 25.

The Clergy in Convocation acknowledged in their Petition, that their Ecclesiastical power was at that time taken away.

So that their present Jurisdiction (being not from God; that's certain) 'tis not from Man, because his Majesty has promised 13 Car. 2. 12. *never* to empower them with any more Commissions to the worlds end.

But this I do not *peremptorily* assert.

I here protest, I know not by *what Authority* we do these things, considering the premises, and the repealing of 1 Eliz. 1.

By the Statute of Hen. 8. all these *Ordinary* Jurisdictions were cut off, and were revived by 1 Edw. 6. upon *Conditions* only.

This is the very *Naked Truth*, under his first Query, and in his Conclusion, and up and down this worthy Book; that is, such a shabby lawless *Logick*; such a rude and shatter'd way of *reasoning*, as deserves to be reduc'd with a *rad*, and last into method and sence, and better *manners*.

Especially if you single out his false and sturdy *begging Propositions*; fraught with

a wretched design of robbing his own Mother, in the Kings high way, with which he challenges passage to cheat and abuse the Country.

My business is only to apprehend the Vagabonds, and commit them to the justice of some more severe and smarter hand.

### S E C T. III.

*The Propositions suggested by Mr. Hickerin-gill are these following.*

I. *That before Hen. 8. all Ecclesiastical Jurisdiction in England was derived from the Pope: as Mr. Cary, p. 6.*

II. *That Hen. 8. when he annex'd the Ecclesiastical Jurisdiction to the Crown, he took it wholly away from our Ecclesiastical Ministers.*

III. *That the Church had no Jurisdiction after Hen. 8. had annex'd it to the Crown, till 1 Edw. 6. 2.*

IV. *That if there be any Ecclesiastical Power in our Church, it cannot be executed, but in the Name and with the Stile, &c. of the King, according to 1 Edw. 6. 2.*

V. *That all our Ecclesiastical Power was lately founded in 1 Eliz. 1. as it establish'd the High-Commission-Court; and*

*Sect. 3. Ecclesiastical Jurisdiction.*

*and that Act being Repeal'd, all Ecclesiastical Power was taken away with the Power of that High Commission.*

On a Rock consisting of these Sands, stands our mighty Champion, triumphing with his Naked Truth; but we come now to sift them.

---

C H A P. II.

*Our Ecclesiastical Jurisdiction in England was not derived from the Pope, but from the Crown before the Reformation by Henry the Eighth.*

**D**ARE any Protestant stand to the contrary? had the Pope really Authority here before Henry the Eighth? did our Bishops indeed receive all their power, exercised so many hundred years together, originally from the Pope? was not their Political Jurisdiction derived from and depending on the Crown Imperial? and founded in our own Laws, the Customs and Statutes of the Realm? are these the Popes Laws, and not the Kings? was there not Ecclesiastical power in England, both for Legislation and Execution *ab origine*, before the Papal Usurpation? was not Popery at first, and all along, till Hen. 8. an illegal usurpation upon our more Ancient Government, ne-

ver own'd much less *establiſh'd* in the true & Ancient Laws of England, and under that very *Notion* rejected and expelled by him?

How then did our *Bishops*, &c. derive all their power from the *Pope* before *Hen. 8.* to say so, is not more like an *Hobbist* than a *Papist*. I thought I had caught an *Hobby*, but *War-Hawk*.

### Proof against this Popish principle.

#### S E C T. I.

*From the root and branches of Ecclesiastical Power, Donation, Investiture, Laws.*

I. It was a known Law long before *Hen. 8.* that the Church of England was founded in *Episcopacy* by our Kings, &c. and not in the *Papacy*.  
 35 Edw. 3.  
 25 Edw. 1.

II. The *Collation* and *Donation* of *Bishopricks*, and *Nomination* of *Bishops* did always belong to the *King*; yea all the *Bishopricks* in this Realm are of the *King's Foundation*: and the full Right of *Investiture* was ever in the *Crown*. *Coke 1. Inst. 2. S. 648.* to deny it may be a *premunire*.

III. When once the *Bishops* are legally invested, their proper *Jurisdiction* came in to their hands, by the *Laws*, without any power derived from the *Pope*: Who saith otherwise, knows nothing, or means ill.  
 35 Hen. 8.  
 20.

IV. It was acknowledg'd, That *Convocations* are, always have been, and ought to be



## SECT. 2. Ecclesiastical Jurisdiction.

be Assembled by the Kings Writ only: 'tis Law, 35 Hen. 8. 19.

V. As the power to make Laws for the Church was ever in the King, so the Laws themselves must be his, and none other bind us. This Realm Recognizing no Superior under God but the King, hath been, and is free from any Laws, but such as have been devised within this Realm, or at our Liberty, have been consented to, and made custom by use, and not by any foreign power.

35 Hen. 8.

21.

As 16

Rich. 2. 5.

## S E C T. III.

### Jurisdiction.

THUS our Ancient Ecclesiastical Governours and Laws depended upon the Crown, and not upon the Pope, by the Laws of England, and in the Judgment of all the States of the Kingdom before Hen. 8. and so did also the execution of those Laws by those Governours in the same publick Judgment: a little better than Mr. *Hickeringill's* Popish opinion. In sundry old Authentick Histories and Chronicles, it is manifest, that this Realm is an Empire, having an Imperial Crown, to which belongs a body Politick, compacted of Spirituall and Temporall: furnished thus, with Jurisdiction to yield Justice in all causes without restraint from any foreign Prince.



The body *Spiritual* having power, when any Cause of *Divine Law* hapned to come in question, the *English Church*, called the *Spiritualty*, which *always* hath been reputed, and also found of that sort, for knowledge, &c. (without any *exteriour* person) to declare and determine all such doubts, and to administer all such offices as appertain to them: for the due administration whereof the *Kings* of this Realm have *endowed* the said Church both with *honour* and *possessions*: both these Authorities and Jurisdictions do conjoyn in the due Administration of Justice the one to help the other.

And whereas the King his most noble *Progenitors*, and the *Nobility* and *Commons* of this Realm at divers and sundry *Parliaments*, as well in the time of King *Edw. 1. Edw. 3. Rich. 2. Hen. 4.* (all which were certainly before *Hen. 8.*) and other noble Kings made sundry Ordinances, *Laws*, Statutes, and provisions for the entire and sure preservation of the Prerogatives and Jurisdiction *Spiritual* and Temporal of the said Imperial Crown, from the annoyance and Authority of the See of *Rome* from time to time, as often as any such attempt might be known or espied. *Vid. 25 Hen. 8. 12.*

These things plainly shew, that the whole State in *Hen. 8's* time was not of Mr. *Hickeringills* mind; but that before that time, the whole power of the Church was independent on the *Pope*; and not derived from him, but originally inherent in the Crown and Laws of *England*, whatever he

### **Sect. 3. Ecclesiastical Jurisdiction.**

he blatters to the contrary. *Vid.* 25 *Edw.* 3. *Stat.* 4. *cap.* 22. *pag.* 123. *Sect.* 3. 27 *Edw.* 3. *cap.* 1. & 38 *Edw.* 3. *c.* 4. & *Stat.* 2. *c.* 1. 2 *Rich.* 2. *cap.* 6. 3 *Rich.* 2. *c.* 3. *S.* 2. 12 *Rich.* 2. *c.* 15. & 13 *Rich.* 2. *Stat.* 2. *c.* 2. 16 *Rich.* 2. *c.* 5. 2 *Hen.* 4. *c.* 3. & 4. 7 *Hen.* 4. *c.* 6. 9 *Hen.* 4. *c.* 8. 1 *Hen.* 5. 7. 3 *Hen.* 5. *Stat.* 2. *c.* 4. Adde to these Mr. *Cawdries* Case in my Lord *Coke*, and he must be unreasonably *ill affected* to the Church of *England*, that is not more than satisfied, that the chief and *Supream* Governours thereof, were the *Kings* of *England*, and not the Pope, before the Reign of *Hen.* 8.

3. Also it was the sence of the whole *Kingdom*, that the Pope's power and Jurisdiction here, was usurped and *illegal*; contrary to *Gods* Laws, the *Laws* and *Statutes* of this *Realm*; and in derogation of the *Imperial Crown* thereof: and that it was *timorously* and *ignorantly* submitted unto, before *Hen.* 8. as the words of that Statute are, 28 *Hen.* 8. *cap.* 16.

### **SECT. III.**

**BUT** if our Gentleman be wiser than to believe their words; the matter is evident in our ancient *Laws*, and constant practice accordingly, before *Hen.* 8. his time: Indeed all the Statutes of provision against foreign powers, are to own and defend the *Ecclesiastical Jurisdiction* at home, under this *Crown*. Yea all the *Statutes* made

on



S E C T. IV.

TO seek for the *Original* of our *Ecclesiastical Jurisdiction* and Courts, in the *Statute-book*, is more than ridiculous; seeing they both stood in a flourishing estate long before the beginning of that book: and are among the number of the great things, which were then, *secundum consuetudinem & leges Angliae*, and are plainly establish'd in the *Common Law* of the Land: by which they have stood and been practis'd, ever since (as we shall prove more fully anon.)

2. *Magna Charta*, which is found first in the book of *Statutes*, and is said by *Lawyers* to be *Common Law* (*i. e.* shews us what is *Common Law*) in this Kingdom; begins thus, *We have granted and confirmed for us and our Heirs for ever, that the Church of England shall be free; and shall have all her whole Rights and Liberties Inviolable. Reserving to all Archbishops and Bishops, and all persons as well Spiritual as Temporal all their Free Liberties and free Customs, which they have had in times past, and which we have granted to be holden within this Realm; and all men of this Realm, as well Spiritual as Temporal, shall observe the same against all persons.*

3. Now what can any man, that knows the practice of the *Spiritual Courts*, before that time, at that time, and ever since, imagine what is meant by the *Liberties* and  
Customs



*Customs* of the Church, (i. e. in the sense of Mr. *Hickeringill*) and the words of *Magna Charta*, *Archbishops*, *Bishops*, and all *Spiritual* men, but the *Jurisdiction Ecclesiastical* in the first and chief place? And these, by the great Charter, are confirm'd for ever; and the like confirmation hath been made by the many succeeding *Kings* and *Parliaments*, in their confirmation of *Magna Charta*.

4. Therefore I cannot but conclude, that the *Ecclesiastical Jurisdiction* being founded in the *Common Law*, *Magna Charta*, and the *Statutes*, by so long practice beyond all *Records*, is in the very *Constitution* of the Kingdom: The great men of the Church having always had authority in the very *making* of *Laws* as they had before *Magna Charta*, and been reputed (as in the Statute of *Eliz.*) one of the three States in Parliament; and the Execution also of the *Ecclesiastical Laws* of the Church of *England*.

#### S E C T. V.

*LASTLY*, All this is plainly confirm'd by ancient *Ecclesiastical Canons* (which seems to be an Argument of great weight with Mr. *Hickeringill*) as well as by the *Ancient Laws* and *Customs* of the Land.

In the *Apostles Canons* 'tis ordained, that every *National Church* should have its own chief



chief or *head*, and thence derive all *Power* under the *Crown*: 'Tis acknowledged, against the *Papists*, that we had our *Archbishops* and *Bishops* before the *Usurpation* of the *Pope*: We were anciently a *Patriarchate* independent upon *Rome*: The *four* first *Councils* confirm'd the *Apostles Canons*; and establish'd our ancient *Cyprian* privilege: Let after-*encroachments* of the *Pope* be accordingly renounced as *lawless Usurpations*: Let us quietly enjoy our *restored* ancient privileges; and let *ancient Custom* prevail, according to the Sentence of the *ancient Councils*, in spite of all *Papists* and *Hobbits*.

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C H A P. III.

*King Hen. 8. did not, by renouncing the Power pretended by the Pope, make void the Ecclesiastical Jurisdiction: neither was it void before it was restored by 1 Edw. 6. 2.*

**I**T's somewhat difficult to make this Proposition than it is in its self more plain: pray Mr. Wife-man, where and by what words did *Hen. 8.* cut off, as you say, all those *ordinary Jurisdctions*? Did that great *Prince* and his *Parliament* intend by any *Statute* then made, to cut them off, or not? If they did intend it, how came it to pass

pass that they continued in their usual course of power and proceedings all the rest of his Reign? which may be presumed to be near ten years? Was that watchful Prince so asleep? was the whole Kingdom so stupid, so long a time, to suffer such oppression, by invasion of the Crown and the peoples Liberties, by a company of Church-men, now deprived of the Pope's assistance, and without any power at all? or were the Ecclesiastical Governours so desperate or careless, as to lie under so much danger of *premunire*, neither desisting to act without power, nor to sue for it?

2. But perhaps, though the King and Parliament did not intend it, yet the words of the Statute express enough to dissolve and cut off all those ordinary Jurisdictions: and no body could see through this milstone, or tumble it upon the Churches head, before Mr. *Hickeringill* was inspired to do it in a lucky time. I will answer him with a story; There was a certain Lord laid claim to a Mannor that was in another Lord's possession: upon Trial it was found, that the Plaintiffe had the Right of it; and he that had had possession was thrown out, and the other (the Right Owner) was, as he ought to be, put into the possession of the said Mannor; but it was observed, that, though the Lords were changed, yet the Customs, and Courts, and Officers were not changed at all, but all things proceeded as before.

3. Thus King *Hen. 8.* and his Parliament express'd themselves as if on purpose to our present

present case; only that the Pope's power then was rather in a *pretended* claim, than in *possession*; as is evident from that notable Statute 24 *Hen. 8. c. 12.* where we have the Kings *Supremacy* first asserted, with a body *Politick* of the *Spirituality* and *Temporality*, every way furnish'd with Authorities and Jurisdications, to administer Justice to the whole Realm. Thus the *Imperial Crown* fully accomplish'd, throws off the pretence of the *Pope*, as King *Edw. Rich.* and *Hen. 4.* had done before, yet as they also did, reserves as well the *Spirituality* and its *Jurisdiction*, as the *Temporality* and its *Jurisdiction*. Afterwards

4. The King doth by his *Royal assent*, and by the *assents* of the *Lords Spiritual* and *Temporal*, and the *Commons Assembled*, and by the *Authority* of the same, *Enact*, *Establish* and *Ordain*, that all *Causes Testamentary*, *Causes of Matrimony* and *Divorces*, rights of *Tithes*, *Oblations* and *Obventions*, the knowledge whereof, by the goodness of *Princes* of this Realm, and by the *Laws* and *Customs* of the same, appertaineth to the *Spiritual Jurisdiction* of this Realm, shall be from *henceforth* heard, examined, discuss'd, clearly, finally and definitively adjudged and determined in such Courts, *Spiritual* and *Temporal*, as the natures of the controversie shall require.

5. 'Tis plain therefore, that though *Hen. 8.* did cut off the *Pope's* pretence, which is the great *intention* of that excellent *Law*, yet the *Ecclesiastical Jurisdiction* was  
not

not dissolved, but annex'd or declared to be annex'd to the *Imperial Crown* of this *Realm*, and to continue to exercise its power in the *Spiritual Courts*, as before, according to the *Laws* and *Customs* of the *Land*. Read the *Statute*, and you will not only see a continuance of the *Spiritual Courts* supposed and allow'd, but *special directions* touching *proceedings* and *Appeals* therein.

## S E C T. II.

IF *King Hen. 8.* did take away the *Ecclesiastical Authority* of the *Church of England*, he did either remove the *Officers*, or deny their power to make *Canons*, or destroy their *Courts*, and the exercise of their *Jurisdiction*; but he did do neither, but rather by *Acts of Parliament* establish'd them all.

I. For the first, touching the *Governours* of the *Church*, consult *Statute 31 Hen. 8. 3.* that it may be *Enacted by the Authority* of this present *Parliament*, that all *Archbishops* and *Bishops* of this *Realm*, may, by *Authority* of this present *Parliament*, and not by any *provision*, or other *foreign Authority*, enjoy and retain their *Archbishopricks* and *Bishopricks* in as large and ample manner, as if they had been promoted, elected, confirmed and Consecrated according to the due course of the *Laws* of this *Realm*: And that every *Archbishop* and *Bishop* of this *Realm* may minister, use and exercise all and every thing and things pertaining to the *Office* or *Order* of



of any Archbishop or Bishop, with all Tokens, Ensigns and Ceremonies thereunto lawfully belonging.

Further, that all Ecclesiastical persons of the Kings Realm, all Archdeacons, Deans, and other having Offices, may by Authority of this Act (and not &c.) administer, use and exercise all things appertaining to their Dignities and Offices, so it be not expressly against the Laws of God and this Realm.

II. Neither did King Hen. 8. take away the power of the Bishops and others, to make Canons in Convocation, as appears by the Statute of the 25 of Hen. 8. 19. In that Statute, among other things, upon the Petition of the Clergy, two things are granted to our purpose, touching Ecclesiastical Canons.

1. The old ones; 'tis provided that such Canons being already made, which be not contrariant nor repugnant to the Laws, Statutes and Customs of this Realm, nor to the damage of the Kings prerogative Royal, shall now be used and exercised as they were before the making of this Act, till such time as they be viewed by the said Thirty two persons, according to the Tenor of this Act, which was never done; therefore such old Canons are yet of force by this Act. *Vid. Sect. 6.*

2. For the making of new Canons; the Convocation hath power reserved by this same Act, provided the Convocation be called by the Kings Writ; and that they have the Royal assent and licence to make, promulgate, and execute such Canons: as you may  
C read



read *Sect. 1.* of the said *Statute*. Indeed the *Convocation* used a larger power in making *Canons* before, as is there noted, which, they say, they will not henceforth presume to do: but it therefore follows, that they may still use their power, so limited and derived from the *Crown*; which is the evident intention of the *Act*. For by restraining the *Clergy* thus to proceed in making *Canons*, the *Law* allows them the power so to do; and by making the exceptions and limitations confirms their *Authority* so far as it is not excepted against.

III. Neither, lastly, did King *Hen. 8.* take away the ordinary *Jurisdiction* of Ecclesiastical Governours as exercised in the *Spiritual Courts*, according to the *Laws* and *Canons* of this Church: but indeed establish'd them by *Acts of Parliament*, as is plainly to be seen in the 37 *Hen. 8. c. 16. Sect. 4.* in these words: *May it therefore please your Highness, that it may be Enacted, that all singular persons which shall be made — deputed to be any Chancellor, Vicar-general, Commissary, Official, Scribe or Register, by your Majesty or any of your Heirs or Successors, or by any Archbishop, Bishop, Archdeacon or other person whatsoever, having Authority under your Majesty, your Heirs and Successors, to make any Chancellor, Vicar-general, Commissary, Official or Register, may lawfully execute all manner of Jurisdiction, commonly called Ecclesiastical Jurisdiction: and all Censures and Coercions appertaining unto the same, &c.*

2. 'Tis acknowledged, that in the *Sect.*  
2. of this *Statute*, it seems as if the *Parliament* concluded, that by the 25 of *Hen. 8.*  
19. the ancient *Canons* were *abrogated*,  
which I wonder Mr. *Hickeringill* his sagacity  
had not discovered: yet 'tis plain enough,  
that wise *Parliament* did not thereby reflect  
upon or intend all the *Canons*; but such *Ca-*  
*nons*, as the present matter before them was  
concerned in; that is, such *Canons* as forbade  
*Ecclesiastical Officers* to marry; as the  
words *Sect. 1.* are, that no *Lay* or married  
man should or might exercise any *Ecclesi-*  
*astical Jurisdiction*, &c. directly repug-  
nant to your Majesty's as *Supream Head*, your  
*Grace* being a *Lay-man*: then it follows in  
the next words, And albeit the said *De-*  
*crees*, viz. being contrary to the Royal pre-  
rogative as *supream Head* of the Church, be  
in the 25 year of your most Noble Reign ut-  
terly abolished.

That this is the meaning of that clause is  
reasonable to believe, because they take no  
further care to correct the matter, but only  
by enacting persons lawfully deputed,  
though they be *Lay persons*, though married  
or unmarried, shall have power and may  
exercise *Ecclesiastical Jurisdiction*, notwith-  
standing any *Law* or *Constitution* to the  
contrary, as the *Statute* is concluded.

3. Besides, we are assured, that all the  
ancient *Canons*, that were not repugnant to  
the Kings *Prerogative*, or the *Laws* and  
*Customs* of this Realm were not *abrogated*,  
but declared to be of force, i. e. to be execu-

ted in the *Spiritual Courts*, as was noted in the very letter of that *Statute 25 Hen. 8. 19.* and that *this clause*, speaking only of such *Canons* as were *abrogated* by that *Statute*, *abrogates* nothing that was not so, by the *Act* referred to.

4. And thus the *Jurisdiction* and *Canons* of the Church stood in force, at the latter end of the *Reign* of *Hen. 8.* this *Statute* being made in the last year, wherein any were made by that great Prince.

5. Thus we have found in the time of King *Hen. 8.* an *Ecclesiastical Jurisdiction* exercis'd in *England*, without any dependance on the *Pope*, and other Authority for *Canon-makers Synodical* (as *Mr. Hickeringill* cants) besides the *Statute* for the *High Commission* 1 *Eliz.* upon which *Statute* of *Eliz.* *Mr. Hickeringill* very learnedly asserts the Authority of all *Canon-makers Synodical* was built: *qu. Naked Truth.*

### SECT. III.

N O more is needful under this *Head*, but to shew my respect to *Mr. Hickeringill* his *doughty* and *only* *Argument*, taken out of the *Petition* of the *Clergy* to *Queen Mary*; whereby he would fain prove, that the *extinguishing Act* of *Hen. 8.* took away all *ordinary Jurisdiction* from the Church of *England*, and that there was no such thing till she revived it.

2. The words of the *Petition*, from whence he thus argues, you shall have in his own *Translation*, in this manner: they pray that her Majesty would make such provision, that those things which belong to our Ecclesiastical Jurisdiction and Liberties (without which we cannot duly discharge, &c.) and taken from us lately by the Iniquity of the times, may be again restored; and that all Laws which have taken away, or do any ways hinder our Ecclesiastical Jurisdiction and liberties, may be made null and void. Hence he concludes, that in the judgment of the Convocation at that time, their Jurisdiction and Liberties were taken away. Is this proof sufficient against all the laws and practice of the Kingdom during the Reign of Hen. 8. after the extinguishing Act? or do they say that Hen. 8. took away the Ecclesiastical Jurisdiction? how can Mr. *Hickeringill* divine that it was not the renouncing the Pope as Head of their Jurisdiction and Liberties, that was the very grievance that they complain'd of?

3. This is certain, that Queen Mary succeeded Edm. 6. that Edw. 6. did require more express Testimonies of the Clergie's Recognition of the Crown, in the exercise of the Ecclesiastical Jurisdiction by the Statute (of which we shall take more notice presently) than Hen. 8. did; and 'tis past Mr. *Hickeringill* his skill to prove, that the Convocation in their said *Petition*, did not principally, if not only intend that severe Act of Edw. 6. However that pass, Mr. *Hickeringill* his argument,



gument, deserves not the strength of a *Convocation* to confute it.

4. I leave it to Mr. *Hickeringill* himself; for if he think, that that *Convocation* spake that which was not *true*, he hath said nothing to the *purpose*: but if he think they did speak *truth*, then he thinks, that the *Jurisdiction* of the Church of England, as derived from the King, according to the Statute of *Edw. 6.* or in *Hen. 8's* time, was no lawful *Jurisdiction*, that is, Mr. *Hickeringill* thinks as the *Papists* think; *War Hawk* again Mr. *Hickeringill*, and a *premunire* too.

But this brings us to consider the Statute of *Edw. 6.*

## CHAP. IV.

*Ecclesiastical Jurisdiction is lawfully exercised, without the Kings Name or Stile in Proceſſes, &c. notwithstanding the 1. Edw. 6. 2.*

**T**Hat all *Ecclesiastical Proceſſes* should be in the *Name* and *Stile* of the King, &c. according to the Statute of 1 *Edw. 6. 2.* is the great and old *Objection*, not only of Mr. *Hickeringill*, but several others.

SECT.



**S E C T. I.**

*Ans.* But first, if this *Statute* were not repealed (as indeed it is) there are several things in the *body* of it very considerable against Mr. *Hickeringill*, and to our advantage.

1. The Statute observes in the very foundation of it, that it's justly acknowledged by the Clergy of the *Realm*, that all Courts Ecclesiastical within the *Realms* of *England* and *Ireland*, be kept by no other Power or Authority, but by the Authority of the *King*; which, it seems, was then known without the *Testimonies* thereof, then to be required; and indeed is so still by the *Oaths* which all Ecclesiastical persons cheerfully take before their *Instalment*.

2. That there was such a thing in practice before the making this *Act*, as Ecclesiastical Jurisdiction in the Church of *England*: for the Statute saith, that *Archbishops*, &c. do use to make and send out their *Summons*, &c. in their own names at that time, who yet acknowledged all their Authority from the *Crown*, Sect. 3.

3. The Statute allows the Ecclesiastical Jurisdiction it self; and that the *Archbishops* and *Bishops* shall make, admit, &c. their *Chancellors*, and other Officers and Substitutes, which supposeth the Constitution of the *Spiritual Courts*, under their own names, and with their own *Seals*, Sect. 6.

4. This *Statute* also allows, that some things are limited by the *Laws* and Customs of this Realm, and if such things are depending in the Kings Courts of Record at *Common Law*, are to be remitted to the *Spiritual Courts* to try the same, *Sect.* 7.

*Sect.* 4. 5. But what is the *penalty* if they do not use the Kings Name and *Stile*, and put the Kings Arms into their Seals of Office? This is considerable. 'Tis well the *Statute* provided a better hand to punish the delinquents than Mr. *Hickeringill*, and a milder punishment than he interprets the Law to do: the punishment is the Kings displeasure, and imprisonment during his pleasure; not the voiding the Jurisdiction, as Mr. *Hickeringill* would have it: And while the King knows the *Statute* is repealed, as shall next appear, we fear not but his Majesty is pleased with, and will defend our Jurisdictions, while we humbly acknowledge their dependency on the Crown, and exercise the same, according to his *Laws*, though we presume not to use his *Name*, and *Stile*, and *Arms*, without the warrant of Law.

## S E C T. II.

1. FOR that *Statute* of 1 *Edw.* 6. 2. was repealed by the first and second of *Philip* and *Mary*, c. 8. wherein we have these plain words; "The Ecclesiastical Jurisdiction of the *Archbishops* and *Ordinaries* (are declared) to be in the same state for process of  
of

“of suits, punishment of crimes, and execution of the Censures of the Church, with knowledge of causes belonging to the same; and as large in these points, as the said Jurisdiction was the said Twentieth year of Hen. 8. whereby that Statute is also revived, as my L. Coke affirmeth.

Thus, by Act of Parliament, of which that Queen was the undoubted Head, (and by the power of the Crown of England, and not the Pope) the Ecclesiastical Jurisdiction of this Realm was established by our own Law in the same state wherein it stood before the twentieth of Hen. 8. and then, we find, that by our ancient Laws and Customs, it was dependent on the Crown, whatever some Church-men thought to the contrary.

2. I have read, that this same Queen Mary wore the Title of Head of the Church of England her self; though in other points too too zealous for Popery: and by this very Statute it is Enacted, That nothing in this Act shall be construed to diminish the Liberties, Prerogatives, or Jurisdictions, or any part thereof, which were in the Imperial Crown of this Realm the twentieth year of Hen. 8. or any other the Queens progenitors before: And we have found, that the Ecclesiastical Jurisdiction of this Kingdom was subject to, and dependent on the Imperial Crown, *secundum consuetudinem & legem Anglia* in her Ancestors time: We have found also, that this was the undoubted Judgment of the whole Kingdom in the Statutes of Hen. 8. Edw. 6. Queen Eliz. King James, &c. Now

Now let it be shewn, that this clause of the *Statute of Queen Mary* is repealed, which is so agreeable to the *ancient Customs and Rights of the Crown*; let this be shewn, and you do something: This Statute of my Lord *Coke's* is not repealed by the 1 of *Eliz.* or King *James*, though the 1 of *Mary* should be granted to be so. Also the 25 *Hen. 8. 20.* being contrary to 1 *Edw. 6. 2.* is revived by 1 *Eliz.* and never repealed. *Rep. Coke 12. p. 9.*

I. Mr. *Hickeringill* indeed is bold enough, but I find Mr. *Cary* timorous in the point, though against the *hair*: for though he toll on his weak and prejudic'd readers, to their great hazard, in putting their whole case upon this one point, whether the Court can shew the broad Seal, &c. yet when he comes home to the matter, he tells them, that the aforesaid Statute of *Edw. 6.* not being mentioned by King *James's* Act of repeal, and expressly revived, is thought not to be of force; so that a citation in the *Bishops own name*, may, at this day, be good in Law. *Law of Engl. c. 2. p. 12.* Mr. *Hickeringill* should have taken the advice of this his friend, a great Lawyer certainly, that entitles his minure and thin piece, the *Law of England.*

### SECT. III.

Mr. *CARY* indeed mistakes the Statute; for it is the first of King *James 25.*  
not



not the fourth: yet we have his learned opinion, that *Citations* in the *Bishops own name*, may, at this day, be good in Law; and for ought I know, his reason for it may be good too, viz. because the *Statute of Queen Mary*, especially that of the first and second of *Phil. and Mar. c. 8.* is not in the said Act of repeal expressly revived, according to the express words of the Act, *vid. 1 Eliz. sect. 13.* But, O Mr. Cary! though we have here your opinion and your reason, where was your *Conscience*? where was your kindness to your beloved dissenting Clients? when you dared to betray them to the Devil and the Gaoler (to speak in Mr. Hickerings language) (a far heavier sentence than *Curse ye Meroz*) and that upon no other ground, that I can find, in your *English Law*, but this *Statute* only; which yet for the reason aforesaid, you say, is thought not to be of force; and though, you say, the *Bishops* may at this day send forth *Citations* in their own names by Law; yet your grave advice to those friends is this; When you are Cited, appear and demand, whether they have any *Patent* from the King for the same, and under his great Seal or no; if they will not shew you by what Authority --- protest against their proceedings, and go your way, i. e. the way of disobedience, contempt; the way to the Gaol and the Devil; but that's no matter, he hath shewed his spite to Ecclesiastical Authority against his own Law and Conscience: he was not to satisfie a doubt, but a lust; and his confidence

is



is as able to secure the deluded people from the danger of *contempt* of the *Kings Ecclesiastical Courts*, as his wise Notion of *Magna Charta*, c. 14. from paying their *Tithes*. See this point excellently and fully argued on both sides, and the Judges, &c. Opinion and Reasons silencing this Objection in King James's time, *Coke Rep.* 12. p. 7, 8, 9.

## S E C T. IV.

1 *Edw. 6. 2.* repeal'd appears from practice.

II. A further Argument, that the *Stat. 1 Edw. 6. 2.* is repeal'd is taken from the uninterrupted practice, both of the *Ecclesiastical Jurisdiction*, and the *Kings of England*, and their own immediate *Courts*, contrary to it: and I think it is a rule in *Law*, that in doubtful cases, *Lex currit cum praxe.*

1. The *Ecclesiastical Judges* have, ever since the *Repealing Act* of *Queen Mary*, before and since the *Statute* of *Queen Eliz.* and *King James*, called *Statutes of repeal*, uncontrollably proceeded in their own names, and not expressly in the name or style of the *King* (let one instance be shewn to the contrary) then who can imagine without a fancy possess, that the *Crown and States* of the *Realm* should intend so great an alteration in the *Ecclesiastical government*; and that in the behalf of the *supremacy*, and for the *Rights* of the *Crown*, as is pretended, by reviving that *Act* of *1 Edw. 6.* and yet,  
neither

neither then, nor ever *since*, expect a conformity to, and observance of it? Were *Queen Eliz.* and *King James* so *easy* and careless of their *Crowns* as this would make them? were all the *Bishops*, who were concerned in making those *Acts of Repeal*, and all *Ecclesiastical Judges* ever since, so dull and stupid, as not to know the force of those *Acts*; not to mind either their *duty*, or their *safety*, in so great and hazardous a point, as some would have it of a *pramunire*? or so fool-hardy, as to bear against the *Crown* it self, on which alone they know they depend against plain *Acts of Parliament*, in the midst of froward and watching enemies on every side them? who can think it? I must conclude, that if it be possible that the *Act of Queen Mary* should be *repeal'd* in this point, either by *Queen Eliz.* or *King James*, 'tis more than ever the *Law-makers* themselves thought of, understood or intended.

2. For secondly, the *practice* of the *Crown* that was in the first place highly concern'd in that *Stat. 1 Edw. 6. 2.* hath been ever since the *Act of Queen Mary* that *repeal'd* it, directly contrary to it; and, in a very great point or flower of the *supremacy*, manag'd it self ever since, just as it did before that *Act of Edw. 6.* and, as I said, directly contrary to it: therefore 'tis past all doubt but that the sence of the *Queen* and *Kings of England*, and the sence of those great *Lawyers* and *States-men*, that direct the *Crown* in such great affairs, is  
evident,

evident, that the Statute of *Edw. 6.* stands repealed, and is not revived; for in that Stat. 1 *Edw. 6. 2.* 'tis expressly enacted, that whereas elections of *Bishops* by *Deans* and *Chapters* upon a *Writ of Congee d'eslire* — seeming derogatory and prejudicial to the *Kings prerogative Royal*; for a due reformation thereof, be it enacted, that from henceforth no such *Congee d'eslire* be granted, nor election made, but, &c. yet ever since *Congee d'eslres* have been granted, and such elections thereupon have been returned and accepted.

3. The *Kings immediate Courts*, so far as they have been concerned with *Jurisdiction of the Church*, and the *Kings Civil Judges* therein, have ever since own'd, and as occasion hath required, ratified, fortified, and made effectual all our *Ecclesiastical proceedings* ever since, though not acted in the *Kings name*, contrary to the said Statute; though 'tis a great part of their *places and offices* to secure the *Prerogative* against all *Invasion*, especially of the *Church*: thus by their constant practice it appears, that they never understood that Statute of *Edw. 6.* to be in force, since *Queen Mary* repealed it: Was the whole Kingdom so long, and in so deep a sleep, to be awakened by such impertinent and little barkings?

## S E C T. V.

1 Edw. 6. 2. Repealed in the Judgment of all the Judges, the King and Council.

THE objection from the 1 Edw. 6. is no new light of Mr. Hickeringsills, we find it busie in the time of King Charles the first, Anno 1637. and by the Kings Proclamation it seems it had troubled the Kingdom before, as indeed it had in the Fourth of King James. In that year 1637. upon an order out of the Star-chamber, the learned Judges were commanded to give their opinion in this matter: and they all met together, and deliberately, and distinctly, and fully declared, that the 1 Edw. 6. 2. is repealed, and is not in force; and that the Ecclesiastical Judges did (in all the points called in question,) act legally, and as they ought to do; hereupon the King and Council being satisfied, issued forth the said Proclamation to silence and prevent all such objections against Ecclesiastical Judges, Courts and proceedings for the future; and the judgment of the Judges under their hands, was enrolled in the Courts of Exchequer, Kings Bench, Common Pleas, &c. as Law; where any one may find it that desires to be further satisfied in the truth of it.

2. Hence I argue, that that Statute of 1 Edw. 6. is repealed in Law; at least that the subjects ought so to esteem it, until they have the judgment of the Judges declared otherwise;



wise; yea, though those Judges (which is profane to imagine) did *erre* in that their Declaration through ignorance or fear of the *High Comission*, as Mr. *Hickeringill* meekly insinuates, *p. ult.*

For the *Law* is known to the *subject*, either by the *letter* or by the *Interpretation* of it: and if the letter of the *Law* be not plain, or be *doubtful*, we take the *Interpretation* of it from such as by *law* are of right to make the *Interpretation*, *to be the law*; and this I think is the *Common Law* of *England*, and believe that Mr. *Cary* himself thinks so too.

3. Now, who is or can be thought to be the most proper *Interpreter* of a doubtful *Law*, but the *King* with his *Council*, by all the *Judges* of the *Land*? especially if that *law* concern *Ecclesiastical* Jurisdiction, and the *Ecclesiastical* Supremacy of the *Crown*, as the *law* in question plainly doth. But the *King* himself with his *Council*, by all the *Judges* of the *Land*, hath solemnly declared, that the *1 Edw. 6. 2.* is *repealed*, and not of force; this is a *legal interpretation* of the *law*; this is *law*, and ought so to be taken, *rebus sic stantibus*, by all the *subjects* of *England*, whatever little men that talk of the *law* in their own narrow and *private* sentiments presume to vent, to the *scandal* of the people, the *trouble* of the *Kingdom* and *slander* of the *Church*, and *Ecclesiastical* proceedings: and indeed it would be an insufferable *sawciness*, to say no worse, for any *Ecclesiastical Judge* to *act* by a *law* that  
is



is none, against the so solemn declaration of the King, the Council, and all the Judges of the Land, and this is the case.

I shall therefore trouble, if not pleasure, my reader with the Declaration of the Judges, and the sence of the King and Council of it.

Primo Julii 1637.

*The Judges Certificate concerning Ecclesiastical Jurisdiction.*

May it please your Lordships,

**A**ccording to your Lordships Order made in his Majesties Court of Star-Chamber the Twelfth of May last, we have taken consideration of the particulars, wherein our Opinions are required by the said Order, and we have all agreed:

That Processees may issue out of the Ecclesiastical Courts, and that a Patent under the great Seal is not necessary for the keeping of the said Ecclesiastical Courts, or for the enabling of Citations, Suspensions, Excommunications, or other Censures of the Church; and that it is not necessary that Summons, Citations, or other Processees Ecclesiastical in the said Courts, or Institutions, or Inductions to

D

Benefices,

*Benefices, or Correction of Ecclesiastical Offences by Censure in those Courts, be in the Name or with the Stile of the King, or under the Kings Seal; or that their Seals of Office have in them the Kings Arms. And that the Statute of primo Edvardi Sexti c. 2. which Enacted the Contrary, is not now in force.*

*We are also of Opinion, that the Bishops, Archdeacons, and other Ecclesiastical Persons may keep their Visitations as usually they have done, without Commission under the great Seal of England so to do.*

John Brampton,	George Crooke,
John Finch,	Tho. Trevor,
Humph. Davenport,	George Vernon,
Will. Jones,	Ro. Berkley,
Jo. Dinham,	Fr. Crawly,
Ri. Hutton,	Ri. Weston.

Inrolled in the Courts of Exchequer, Kings Bench, Common Pleas; and Register'd in the Courts of High Commission and Star-Chamber.

Hereupon followed the Kings Proclamation, declaring that the proceedings of his Majesties Ecclesiastical Courts and Ministers are according to the Law of the Land; as are the words of the Title. I shall only transcribe

transcribe the Conclusion of the Proclamation, which you have faithfully in these words.

**A**ND his Royal Majesty hath thought fit, with the Advice of his Council, that a publick Declaration of these Opinions and Resolutions of his Reverend and Learned Judges, being agreeable to the Judgment and Resolutions of former times, should be made known to all his Subjects, as well to Vindicate the legal proceedings of his Ecclesiastical Courts and Ministers, from the unjust and Scandalous imputation of invading or encroaching on his Royal Prerogative, as to settle the minds, and stop the mouths of all unquiet Spirits; that for the future they presume not to censure his Ecclesiastical Courts and Ministers in these their Just and Warranted proceedings: And hereof his Majesty admonisheth all his Subjects to take warning, as they shall answer the Contrary at their Perils: Given at the Court at Linthurst, Aug. 18. in the Thirteenth Year of his Majesties Reign.

God save the King.

You may see the *Case* fully, the *Reasons* on *both sides*, and the *Judges determination* the Fourth of King *James*, to which this Proclamation may refer, *Coke Rep.* 12. p. 7, 8.

Now I could almost submit it to Mr. *Cary* or Mr. *Hickeringill* himself, whether it be fitter or safer for *Ecclesiastical* Judges to proceed in their Courts as they now do; or alter their proceedings, and presume upon the *King*, by using his *Royal Name*, and *Stile*, and *Arms*, contrary to all this *Evidence*, and *Reason*, and *Law*.

#### S E C T. VI.

*Mr. H. Cary's Reason to the contrary considered.*

BUT Mr. *Cary* saith, He seeth not a drachm of *Reason*, why the *Spiritual* Courts should not make their *Processe* in the *Kings name*, as well as the *Temporal* Courts, since *those*, as well as *these*, are the *Kings Courts*.

He seems to talk *Pothecary*, without so much as a drachm of *Reason*; the *usage* of the Courts, and the *evidence* aforesaid, is better *Law* than his pitiful *guesSES*. Neither is there *colour* of *Reason* in what he saith, if these *two* things appear.

1. That the *Ecclesiastical* Ministers do sufficiently and openly acknowledge the *dependance* of their Courts upon the *Crown* without using his *Majesties Name*, or *Stile*, or *Arms*.

2. That



## Sect. 6. Ecclesiastical Jurisdiction.

37

2. That there is not the *same* reason that the *Spiritual* Courts should use the *Kings* Name, &c. that there is for the *Temporal*.

1. For the *first*, the *Ecclesiastical* Judges accept their places thankfully as the *Kings* donation, and not the *Popes*: then they readily grant they depend upon the *Crown*, even for the exercise of their *Spiritual* function; and that they receive all coercive and external Jurisdiction immediately from the *Crown* and the *Laws* of the *Land*, and not from the *Pope*. Again, they all take the *Oaths* of *Supremacy* and *Allegiance* before their *Instalment*, which are the fence of the *Crown* against *Popery*. And then in all their publick *Prayers* before their *Sermons*, the *Bishops* and *Archdeacons*, &c. do Recognize the *Kings* *Supremacy* in all *Ecclesiastical* things and causes as well as *Civil*. Again, they Take the late *Test* and the same *Oaths* at the publick *Sessions*. And lastly, Mr. *Cary* himself confesseth, that they acknowledge the said *Supremacy* in their publick *Canons* or *Constitutions* of the whole Church of *England*, as he notes p. 2. in *Can.* 1, 2. 1603. And are all these less significant to testify their dependance on and acknowledgement of their derivation from the *Crown*, than the *Kings* Name, and *Stile*, and *Arms* (which may be far enough from the *Conscience*) in a *Processe*?

2. For the *second*, that there is not the *same* reason to use the *Kings* name in *Ecclesiastical* as in *Civil* Courts, is apparent from the true cause of using it in the *Civil* Courts,



which being not known or well heeded, may be the cause of the exception: for Bishop *Sanderſon* hath well obſerved the true reaſon of uſing the *Kings* name in any Court, is not thereby to acknowledge the *Emanation* of the power or Jurisdiction of that Court from, or the *ſubordination* of that power unto the *Kings* power or Authority, as the *objector* ſeems to ſuppoſe; but rather to ſhew the ſame Court to be one of the *Kings* own *immediate* Courts, wherein the *King* himſelf is ſuppoſed (in the conſtruction of the *Law*) either by his *perſonal* or *virtual* power to be *preſent*: and the not uſing the *Kings* name in *other* Courts doth not ſignifie, that they do not *Act* by the *Kings* Authority, but only that the *Judges* in them are no *immediate* *repræſentatives* of the *Kings* *perſon*; nor have conſequently, any allowance from him to uſe his *Name* in the execution of them.

1. This difference is evident among the *Common Law* Courts of this Kingdom; for though all the *immediate* Courts of the *King* do act expreſly in his *Name*, yet many other more *distant* Courts do not; as all *Courts-Baron*, *Customary-Courts* of *Copyholders*, &c. and ſuch Courts as are held by the *Kings* grant, by *Charter* to *Corporations*, and the *Universities* in all which *Summons* are iſſued out, and *Judgments* given, and all *Acts* and proceedings made and done in the name of ſuch perſons as have *chief* Authority in the ſaid Courts, and not in the *Name* of the *King*; thus their

their stiles run ; *A. B. Major Civitatis Exon, N. M. Cancellarius Universitatis Oxon.* and the like, and not *Carolus Dei gratia.*

2. Once more a little nearer to our case; there are other Courts that are guided by the *Civil* (as distinguish'd from the *Common*) Law; as the *Court-Marshal* and the Court of *Admiralty*; the Kings Name in these is no more us'd, than it is in the Courts *Spiritual*; but all *Processes*, *Sentences*, and *Acts* in these Courts, are in the Name of the *Constable*, *Head Marshal*, or *Admiral*, and not in the Kings Name.

3. I shall conclude this with those grave and weighty words of the same most admirable Bishop Sanderson, in his excellent Treatise, shewing, that *Episcopacy as Established by Law in England, is not prejudicial to Regal Power*; worthy of every Englishman's reading: his words to our purpose are these; 'Which manner of proceeding, like that of the *Spiritual Courts*, constantly used in those *several Courts* before mentioned; sith no man hath hitherto been found to interpret, as any *diminution* at all or disacknowledgment of the Kings *Soveraignty* over the said Courts: it were not possible the *same* manner of proceeding in the *Ecclesiastical Courts* should be so confidently charged with so hainous a crime, did not the intervention of some *wicked lust* or other prevail with men of corrupt minds to become *partial judges* of evil thoughts,

p. 68, 69.

Mr. *Hickeringill* is one of those whom the Bishop describes, *i. e.* that so confidently chargeth the Ecclesiastical Courts with that *hainous crime*, and foundeth that confidence in the Statute of the 1 *Eliz.* 1. In charity to him, I shall give him such words out of that Statute, as do not only secure the Act of Queen *Mary* that repealed the Act of 1 *Edw.* 6. 2. (requiring the use of the Kings Name in our proceedings) from repeal in that particular; but directly and expressly ratifies and confirms the same, and our contrary proceedings accordingly. So that our proceedings in the Ecclesiastical Courts without using the Kings Name, or Stile, or Arms, according to 1 *Edw.* 6. 2. are allow'd and established by this very Act of Queen *Eliz.* thus; Further Enacted by the Authority aforesaid, that all other Laws and branches of any Act repealed by the said Act of repeal of *Mar.* and not in this Act specially mention'd and revived, shall stand and be repealed in such manner and form as they were before the making of this Act; any thing herein contained to the contrary notwithstanding, 1 *Eliz.* 1. 13. but the Act of 2 *Phil.* and *Mar.* was not specially mentioned in this Act of Repeal, nor any other: And the Learned Judges in 4 *Jac.* observe, that this Act of 1 *Eliz.* revives an Act of *Hen.* 8. repealed by Queen *Mary*, and in both these Statutes 1 *Edw.* 6. 2. is made void; and the present proceeding of Spiritual Courts without the Kings Name, &c. plainly confirm'd; but  
*vid. Coke Rep.* 12. p. 7.

**C H A P. V.**

*The Act of 1 Eliz. 1. Establishing the High-Commission Court, was not the foundation of ordinary Ecclesiastical Jurisdiction in England, against Mr. Hickeringill.*

**T**HE worthy Gentleman, though he useth much Modesty, and will not peremptorily assert; and hath only fitted the matter for the consideration of wiser men (if he can think there be any such) reasons wonderfully after this new and unheard of manner, or to this purpose, if at all.

The Statute of Eliz. for the High-Commission Court was the only Basis of all Ecclesiastical power; this continued indeed during her time, and King James's; but being repealed by 17 Car. 1. 11. and 13 Car. 2. 12. down came the Fabrick; their great foundation thus torn up, now they have neither power from God nor man, nor ever shall; for his Majesty hath by Statute Enacted never to empower them with any more Commissions to the worlds end. Now their basis is taken away, I cannot discern where their Authority lies, *Nak. T. q. 1. p. 4, 5, 6.* This is the Spirit of his Reason, which he confesseth is not infallible; for he  
faith



saith as before, he doth not *peremptorily* assert it.

But can a man have the face to write this first, and then to say he is not *peremptory*? Would a man in his wits expose himself in this manner in *Print*, and blunder out so much prejudice, envy, spite and wrath against *Government*? and talk such pitiful unadvised stuff about *Law*? and think to shake the *Fabrick* of Ecclesiastical Jurisdiction, that hath stood firm so long in the midst of all its enemies, with *shadows of straws*? Had he advised with the learned Sage, his Friend Mr. *Cary*, who is the Author of the *Law of England*, certainly he could never have talk'd so idly and impertinently, but would have put some colours at least upon his honest designs, as Mr. *Cary* himself hath done.

But what if this wise Mr. *Hickeringill* erre *fundamentally* all this while? and the clause of 1 *Eliz.* and consequently the *Stat. of Car.* 1. and 2. touch not, concern not the *ordinary* Jurisdiction of the Church at all? as certainly they do not; and the only wonder is, so wise a man should not see it: A man of so great, and long experience, and *practice* in the Jurisdiction and *Laws* of the Church: So diligent and accurate in his writings, and especially of *Naked Truth*; wherein he assures us, nothing is presented *crude* or immature, but well digested; as a few of those things that his head and heart, that is, his *stomach* have been long full of; as he saith, if you will believe him, *p. ult.*

But



But doth not that clause that establisheth the *High-Commission* affect our *ordinary* Jurisdictions at all? what pity 'tis, that so excellent a Book as this *second* part of *Naked Truth* is, should miscarry in its main project, and in the very *foundation* too: the fundamental supposition, on which all its strength is built; and in a maxim peculiar to the *Authors* invention, and singularly his own, for ought I know; and wherein he seems to place his *glory*, especially seeing, as he tells us, *p. ult.* he has no *pique*, *private* interest, or *revenge* to gratifie: and writes only to cure old *Ulcers*; and with such hearty *wishes* that Ecclesiastical *Jurisdiction*, which is his *Interest* as well as others, were of force, strength and vertue, and not so disorderly uncertain and *precarious*; as he proves it to be, without one Argument, if this beloved one, taken from the *High-Commission*, fail him.

And yet alas! it will fail him do what we can: for the clause in the *Stat. 1 Eliz. 1. 18.* granted a power to the *Crown* to establish the *High-Commission* Court, as a Court *extraordinary*; consisting of extraordinary and choice Ministers, not restrained to *ordinary* Ecclesiastical Officers: and the *ordinary* Jurisdiction did never derive from it, was never disturbed or altered by it; but was ever from the beginning of it, consistent with and subordinate to it; therefore was it call'd the *High-Commission*. This is evident, as from the *concurrence* of both Jurisdictions all a long; so from the *letter* of the *Statute*

Statute it self, and clearly declared to be so by my Lord Coke.

This clause (saith he) divideth it self into two branches, the first concerning the Visitation of the *Ecclesiastical* state and persons; this branch was Enacted out of necessity, for that all Bishops and most of the Clergy of *England*, being then *Popish*, it was Necessary to raise a Commission to deprive them that would not deprive themselves: and in case of *Restitution* of Religion, to have a more *Summary* proceeding than by the *ordinary* and prolix course of Law is required. This branch concerns only *Ecclesiastical* persons: so that, as *Necessity* did cause this Commission, so it should be exercis'd but upon *Necessity*; for it was never intended that it should be a continual *standing* Commission; for that should *prejudice* all the Bishops in their *Ecclesiastical Jurisdictions*, and be grievous to the *Subject*, to be drawn up from all the *remote* parts of the *Realm*, where before their own *Diocesan* they might receive Justice at their own doors.

So that this power of the *High-Commission*, neither granted any *new* power to the *ordinary* *Ecclesiastical* Jurisdiction, nor took away any of the *old*. Yea, it plainly supposeth the *pre-existence* and exercise of the *Ecclesiastical* Jurisdiction in an *ordinary* way, and meddles no further with it than to take its *measures* from it, which by consequence allows it *in it self*, as well as for a *Rule* of its own proceedings, as my Lord Coke observes in these words. That

That your Highness --- shall name --- to execute under your Highness --- all manner of Jurisdiction, &c. and to visit and reform, &c. all errors, &c. which by any manner *Spiritual* or Ecclesiastical power --- can or may lawfully be reformed, &c.

Now if the *ordinary* Jurisdiction by *Bishops*, &c. did not derive from, or depend on that *High-Commission*, the repealing the *Statute* (I mean the *clause*) that impowred the *High-Commission* can no wise affect, much less *destroy* that *ordinary* Jurisdiction; and Mr. *Hickeringill's* foot is gone from his ground, and the *ordinary* Jurisdiction of the Church of *England* stands fix'd upon its *ancient* Bottom, on which it stood before the *High-Commission*, and ever since, notwithstanding the *High-Commission* is taken away, and should never be granted more.

Now I cannot but observe, that Mr. *Hickeringill* hath the ill luck to cut his own fingers with every tool he meddles with. The *Stat.* of 13 *Car.* 2. 12. which continues the *repeal* of the *clause* in 1 *Eliz.* for the *High-Commission* by the 17 of *Car.* 1. which also took away our *Ecclesiastical* Jurisdiction; I say this *Stat.* 13 *Car.* 2. 12. restores the *ordinary* Ecclesiastical Jurisdiction, and excludes the power of the *High-Commission*.

Whence it is plain, that the Ecclesiastical Jurisdiction does not Essentially depend on, but may and doth now stand by Act of Parliament without the *High-Commission*.

Again,

Again, whereas 'tis provided that the Jurisdiction so restored shall not exceed in power, what it was in 1639. it is clear, that the Church had a lawful Jurisdiction before the Wars, otherwise nothing is restored: yea, 'tis *non-sense*, or a delusion unworthy of a *Parliament*, if they that made that *Act* did not suppose and allow, that the ordinary exercise of Jurisdiction in the *Spiritual Courts* in 1639. was according to Law; and I am sure that was just such as is now exercised.

## CHAP. VI.

How our Ecclesiastical Jurisdiction in England came at first, and is at present Establish'd by Law.

**T**O shew how the Ecclesiastical Jurisdiction came at first to be Establish'd by Law, is a point not so difficult as much desir'd.

'Tis agreed, I hope, that all Kindreds, Tongues, and Nations owe their Obedience to the Gospel, when and wheresoever it comes: and that England was one of the first of the Nations that embrac'd it, and became a Church of Christ; then we were a rude unpolish'd and Barbarous people, and knew little of Civil Policy or order of Government;



vernment; but by the gracious Ministry of Holy men sent from God, our manners began to be softened, and our minds sweetened and enlightned, and our Princes became early nourishers and honourers of Religion and Religious persons; and good nursing Fathers and nursing Mothers to the Church then planting among us; and began to endow it with wealth and power.

*Arviragus, Marinus, Coilus* (as the three Kings in *Malmesb.* are named by *Capgravius*) entertain'd Christians exploded from all parts of the World, in this Kingdom: and gave them peace, and provided them a Country to dwell in; and first gave liberty to build and defend Churches in publick. *Lucius* the first Christian King, built Churches at his own charge; first constituted Bishops Seats, and built dwellings for Priests; and much enriched all things of that nature: and that Religious men might with more safety enjoy what they had given them, *amplis munivit privilegiis*, fortified them with large priviledges.

Here was born also (as *Baronius* confesseth) *Constantine* the Great, who brought peace to the whole Church; who was the first Christian Emperor; and likewise the first Christian Queen, his Mother *Helen*.

If we come to the Kings of the Ages following, *quis non stupeat*, as *Spelman* saith, who can chuse but be astonish'd at the eximious Piety, incredible Zeal (*Ardorem*) extraordinary (*Insignes*) Alms, manifold works of mercy, munificence towards Gods Ministers,



Again, whereas 'tis provided that the Jurisdiction so *restored* shall not exceed in power, what it was in 1639. it is clear, that the Church had a lawful Jurisdiction before the *Wars*, otherwise nothing is *restored*: yea, 'tis *non-sense*, or a delusion unworthy of a *Parliament*, if they that made that *Act* did not suppose and *allow*, that the *ordinary* exercise of Jurisdiction in the *Spiritual* Courts in 1639. was *according to Law*; and I am sure that was just *such* as is *now* exercised.

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## CH A P. VI.

How our Ecclesiastical Jurisdiction in England came at first, and is at present *Establis'd* by Law.

**T**O shew how the Ecclesiastical Jurisdiction came at first to be *Establis'd* by Law, is a point not so *difficult* as much *desir'd*.

'Tis agreed, I hope, that all *Kindreds*, *Tongues* and *Nations* owe their Obedience to the *Gospel*, when and wheresoever it comes: and that *England* was one of the first of the *Nations* that embrac'd it, and became a *Church of Christ*; then we were a *rude unpolis'd* and *Barbarous* people, and knew little of *Civil Policy* or order of *Government*;

vernment; but by the gracious Ministry of Holy men sent from God, our manners began to be softened, and our minds sweetened and enlightned, and our Princes became early nourishers and honourers of Religion and Religious persons; and good nursing Fathers and nursing Mothers to the Church then planting among us; and began to endow it with wealth and power.

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If we come to the Kings of the Ages following, *quis non stupeat*, as *Spelman* saith, who can chuse but be astonish'd at the eximious Piety, incredible Zeal (*Ardorem*) extraordinary (*Insignes*) Alms, manifold works of mercy, munificence towards Gods Ministers,

Ministers, and their magnificent and wonderful (*profusionem*) liberality and expence in building, adorning, *enriching* Churches, insomuch, as one saith, *Mirum tunc fuerat Regem videre non sanctum*: And as another, There were more holy *Kings* found in *England* than in any one, though the most populous *Province* in the World.

The day would fail (that worthy Antiquary adds in his most excellent Epistle before his Councils, enough to enflame the coldest Age with zeal for Religion) The day would fail me, saith he, should I speak of *Edwin, Ina, Offa, Eathered, Edmund, Erhelstan, Canute, Edward the Confessor*, and many others; seeing among all the illustrious *Kings*, who were *West-Saxons*, the third is scarce found, *qui Ecclesiam Dei, in Aliquibus, non Ornauerit, Auxerit, Dita-verit*, who did not Adorn, Augment and Enrich the Church of God.

In these early times of Zeal and Piety among the *Kings* of *England*, the Jurisdiction and Authority of the Church took root, and began and proceeded to flourish; now, no doubt, but Religion sincerely managed by good and meek *Church-men*, was a great mean to move the Nation towards a better Order in the Civil State, both in Government and Law. Now I say (to use *Spelman's* words) when *Os Sacerdotis Oraculum esset plebis, Os Episcopi, Oraculum Regis & Reipublice*, The mouth of the Priest was an Oracle to the People, and the mouth of the Bishop was an Oracle to the King and the Common-

Commonwealth. In the time of *Ethelbert*, the first Christian King of the *Saxons*, we find a Convention at *Canterbury* of *Bishops* and *Lords*, to settle the affairs of *Church* and *State*. In the time of the *Heptarchy* Summons was, *Ad Episcopos, Principes, &c.* Decrees were made afterward, *Cum Concilio Episcoporum*, thus during the time of the *Saxons*, &c. and until the *Pope* got footing here by the Conqueror, Ecclesiastical Authority went on *apace*: Yea 'tis evident, that it went on *step by step* with the progress of the *Civil*, and was *gradually* own'd, enlarged and establish'd in the very *Essence* and *degrees*, and together with the Establishment of the *Civil* State.

Insomuch, that Ecclesiastical Jurisdiction was so twisted and Interwoven, and, as it were, wrapt in the very Bowels of the *Civil*; and the Ecclesiastical Law so concern'd and intimately wrought into the Temporal Law and Government, that 'twas hard to make the separation, or indeed clearly to assign the *distinction* betwixt them; which hath taken up the care, both of *Lawyers* and *Statutes* to do it effectually and thoroughly; and perhaps may be in some measure a Reason of many *Prohibitions* against Ecclesiastical Prohibitions to this day.

Hence also it was, that beyond all known time of *Christianity* in *England*, our great Church-men have had no small hand in making all our *Laws*, both Ecclesiastical and Civil: and also sate many hundred years together with our *Temporal* Judges in all



places of publick Judicature. "*Primi igitur  
 " sedebant in omnibus Regni Comitibus & Tri-  
 " bunalibus Episcopi: In Regali quidem pa-  
 " latio cum Regni magnatibus: in Comitatu  
 " una cum Comite & Justitiario Comitatus:  
 " in Turno Vicecomitis cum Vicecomite: in  
 " Hundredo cum Domino Hundredi.* So  
 that in promoting Justice every where the  
 sword might aid the sword, & nihil incon-  
 sulto Sacerdote (*qui velut suburra in Navi  
 fuit*) ageretur, Sp. Epif. Conc.

Yet we must remember, and 'tis careful-  
 ly minded in our *Statutes* before mentioned,  
 that our *Kings* were the true and acknow-  
 ledged *fountains* of the beginning and en-  
 crease of that wealth, and honour, and pow-  
 er, which the Church and Church-men then  
 enjoy'd; and that the *Kings* of England  
 were ever *Supream* over this Church, and  
 all its Ministers; and not the *Pope*, or any  
 foreign power; the *Pope's* Collector or Mi-  
 nister (so say our ancient Books) had no  
 Jurisdiction in this Land, Lord Coke of  
*Courts*, p. 321.

In our *Law* before the *Conquest*, the *King*  
 was the *Visar* of the highest *King*, ordained  
 to this end, that he should above all govern  
 the Church, *Edw. Laws*, c. 19. and this  
 hath been carefully maintained by our *Laws*  
 ever since. See *Cawdries Case*.



**S E C T. I.**

**Jurisdiction of the Church in Common Law.**

**T H U S** the power and Jurisdiction Ecclesiastical grew up with and received much perfection by and in *Common Law*.

By *Common Law*, I mean, *long and general use* in the whole *Land*; for as I take it, my Lord *Coke* saith, That *time and use* make a *Custom*: when that's *general* in *England*, it's called *Common Law*; that is my meaning; whether my *Notion* be right, I weigh not, if the *matter* and *Argument* prove and express the *manner* of the Churches *ancient Authority* and *Jurisdiction* before the *Statutes*.

'Tis most evident, *William the Conqueror* found the *Bishops* and other Ecclesiastical Ministers in great power and with large *Jurisdiction*, which they had long enjoy'd, according to the *Law* and *Custom* of the *Realm*. Call that *Law* what you will, by that they enjoy'd their *ancient Rights* and *government*, and that's enough.

'Tis true indeed, *William* changed the *ancient Custom* we spake of, and distinguish'd the *Tribunals* one from the other: but saith *Spelman*, *Secrexit, non diminuit Jurisdictionem Cleri*, he did not lessen the *Jurisdiction* of the *Clergy*: Yea, by *swearing*, he confirm'd the *Laws* of holy Church, *Quoniam per eam Rex & Regnum solidum subsistendi*

*sistendi habent fundamentum. Proæmium ll. suarum, ut Spel. Epis.* because, by the Church both King and Kingdom have a solid foundation of subsisting. Thus the Churches Rights, in being before, were confirm'd by the Conqueror.

My Lord Coke notes two excellent Rules of Common Law to our purpose.

1. *The Law doth appoint every thing to be done by those unto whose office it properly appertaineth.*

2. 'Tis a Maxim of the Common Law, that where the Right is Spiritual, and the Remedy thereof only by the Ecclesiastical Law, the Connusance thereof doth belong to the Spiritual Court, *Coke Instir. p. 1.*

*Vid. Cawdries Case, Answ. to Object. 4.*

3. Hence it follows, that there being many Cases in which there is no remedy any other way provided, by Common Law they belong to the Spiritual Courts, and the Common Law both impowers and requires those Courts to give Remedy in those Cases.

Thus stood Ecclesiastical Jurisdiction in England by Common Law before our Statutes took so much notice of it; and our Statutes since, whenever they mention it, do generally mention it, as a Government supposed, upon grounds good and firm in Law to have existed before, and also then to be in use, and to flourish in its present exercise, and proceedings in its proper course and Courts.

'Tis as idle a thing to look in the Statute-books for the beginning of Ecclesiastical Power and its Courts, as for the Beginning of

of Courts-Baron, which are such by *Common Law*, as *Coke* saith, or the Court of *Marshalsea*, which, as *Coke's* words are, hath its foundation in *Common Law*; or Courts of *Copyholders*, which are such by *Custom*: And for the same reason to question the lawfulness of these Courts, because, in their original, they were not Established by *Act of Parliament*, as well as the legality of the Courts *Spiritual*; these being equally founded in the *Ancient* usage, *Custom* and *Law of England*; and all taken care for in *Magna Charta*, that ancient Authentick account of our *Common Law*.

And why are *Ecclesiastical Judges* (I mean not *Bishops* only, whom *Mr. Hiceringill* finds in *Scripture*, but) *Archdeacons*, *Chancellors*, *Officials*, &c. as well Established in their proper power, as *Coroners*, *High-Constables*, &c. that have the Origine of their Offices before *Statutes*? Have not *Ecclesiastical Officers*, when lawfully invested, power, as well as they, to *Act* in their proper Jurisdictions, by the same *Common Law*? by long, ancient and established *Custom*; or as the usual word in our *Statutes* in this very Case is, *secundum Consuetudines & Leges Angliae*?

My Lord *Coke* saith, The *Kings Prerogative* is a principal part of the *Common Law*, which also flourisheth in this part of it, the *Ecclesiastical Power* and *Jurisdiction*, as well as in the *Civil State* and *Government*. Thus we acknowledge, the *Ecclesiastical State*, and *External*, and *Coercive Jurisdiction*

tion derives from and depends upon the Crown of England by *Common Law*: And I am bold to add, that the former cannot easily be Abolish'd and destroy'd (I do not say altered) without threatening the latter, I mean the *Crown* (at least some prejudice to it) on which it depends.

Thus *Ecclesiastical Jurisdiction* stands by *Common Law*, on which also most of our *Civil Rights* depend; but we confess it is bounded (as my Lord *Coke*) by the same *Common Law*; and in all reason it must be so, it being subordinate to the King as *Supream*, who is supposed to be personally or virtually present in his great Courts of *Common Law*; and is so declared to be by *Acts of Parliament*. *Instit. p. 1. pag. 344.* of my Lord *Coke*.

## SECT. II.

*The Government Ecclesiastical is Established in the Statutes of this Realm.*

THE *Ecclesiastical Jurisdiction* being thus found *Establisht* by *Law* before the *Statute-books* were made, the *Statutes* do *Establish* it as much as any reasonable unprejudic'd man can expect or desire.

We shall begin with *Magna Charta*, which is *Statute* as well as *Common Law*, and seems to unite and tie them together; This stands at the beginning of our *Statute-book*; and the first thing in this, is a *grant* and



and establishment for ever of the *Rights* and *Liberties* of the Church; that must be understood of the *Rights* and *Liberties* then in being; and among the rest, sure the great *Right* and *Liberty* of the Churches *Power*, and the free use of her *Ecclesiastical Jurisdiction*.

*Magna Charta* it self expounds what it means by *holy Church*, i. e. the *Bishops* and *Ministers* of it, which King *Hen. 8.* in the *Statute* saith is commonly called the *Spirituality*: and Mr. *Hickeringill*, for all his *scolding*, knows that the *Church* of *England* allows a larger sence of the word [*Church*] viz. the *Congregation* of all faithful men, &c. And when we call the *Clergie*, or the *Governing-part* of the *Church*, the *Church*, we use it in a *Law-sence*, and as a term of *Law*, as *Acts* of *Parliament* as well as the *Civil* or *Canon-Law* do: But this by the way.

2. When the subsequent *Acts* of *Parliament* do so frequently mention the *Spiritual Courts*, and their *Jurisdiction*; this to me is a *legal allowance* of them; and indeed a *Tacit* or *implicit* acknowledgment of their more *ancient antecedent Power* and *Common right* and *liberty*, by the undoubted *Custom*, i. e. the *Common Laws* of the *Land*. Yea those very *Statutes* that look at least obliquely upon them; that say they are bounded by the *Common Law*; that do of themselves *limit* and *prohibit* the *Ecclesiastical Courts* in *some cases*, seem plainly to acknowledge them in *other cases* not excepted from their *Jurisdiction*. But,

E 4

3. More



3. More plainly and directly, those *Acts* of Parliament that appear in the behalf of *Ecclesiastical* Jurisdiction in times of its trial and danger, and vindicate its Rights, and preserve and maintain its *Liberties* when most in question: there have hapned such occasions, wherein the *Statutes* have rescued and replevied the *Ecclesiastical* Power; in all which the *Statutes* have been thus favourable to it; three of late, not to mention many formerly.

1. Thus, when some might imagine, that by the alteration made by King *Hen. 8.* the *Bishops* and their Power was shaken: the *Statutes* made in his time assure us, that it was but to restore the ancient Jurisdiction, and not to destroy it; that *Bishops* should be elected and act as formerly; especially as *Coke* noteth, by the 25 *Hen. 8. c. 20.* it is Enacted, That every person chosen, invested, Consecrated, *Archbishop* or *Bishop*, according to this *Act*, shall do and execute every thing and things as any *Archbishop* or *Bishop* of this Realm, without offending of the *Prerogative* Royal of the Crown, and the *Laws* and *Customs* of the Realm at any time heretofore have done.

Note, that this *Statute*, contrary to the 1 *Edw. 6. 2.* was revived by Queen *Eliz. 1. cap. 1.* which the Judges thought and judged a full answer to all the Objections against the Churches proceedings contrary to the 1 *Edw. 6. 2.* and by this very *Statute* 1 *Edw. 6. 2.* stands clearly repeated, as my Lord *Coke* observes *Rep. 12. 8, 9.* which caused me

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me to make choice of it for my present purpose.

2. The *second* is observed in the time of *Phil.* and *Mar.* when the manner of Ecclesiastical Jurisdiction had been altered by the 1 *Edw.* 6. the *Statute* establisheth the same as it was *before* in these words: And the Ecclesiastical Jurisdictions of the *Archbishops*, *Bishops*, and (other) *Ordinaries*, to be in the same estate for *Processe* of Suits, punishment of crimes, and execution of *Censures* of the Church, and knowledge of causes belonging to the same; and as large in those points, as the said Jurisdiction was the 20 *Hen.* 8. which *Statute* of *Phil.* and *Mar.* repealed the 1 *Edw.* 6. 2. and was never repealed since, as the Judges resolved in the fore-said *Case* 4 *Jac.* but evidently revived by 1 *Eliz.* 1. *Señt.* 13.

3. When *thirdly*, the long *Parl.* 17 *Car.* 1. had disabled the Jurisdiction of the Courts Ecclesiastical, it was very carefully restored and established by the *Stat.* 13 *Car.* 2. in these words; Neither this *Act* --- shall take away any ordinary Jurisdiction from the said *Archbishops*, &c. but that they, and every of them, may proceed --- in all manner of Ecclesiastical Jurisdiction; and in all *Censures* and *Coercions* belonging to the same, as they did and might lawfully have done before the making of the said *Act*. *Vid.* 17 *Car.* 1.

4. 'Tis sufficient, yet I cannot but subjoyn one notable way more *Argumentative* enough, alone by it self, to prove the Ecclesiastical

fiastical Courts to be allow'd and confirm'd by Statute, viz. when the Statutes direct such particulars to be tried in these Courts; and require these Spiritual Courts to use their power for the punishment of offenders, and the doing Justice: And I think there cannot be a better medium or clearer evidence than we have in this matter.

For if the Spiritual Courts have no power to try such matters, and pass Judgment, and punish in such cases, why do the Statutes direct and remit such matters to them? and why do the Statutes enjoyn them to take Cognisance and proceed accordingly? that so they do, is plain.

In the 18 of Edw. 3. 6. 'tis said, that *Processe in Causes Testamentary* notoriously appertaineth to holy Church. We must not blench the Franchise of Holy Church: And in the 18 of Edw. 3. 6. parties are to be dismissed from Secular Judges in Cause of Tithes, and left to the Church: Ordinaries have power to punish Ministers and Priests; as in 1 Hen. 7. c. 4.

*Synodals, Proxies, Pensions, &c.* are to be recovered in the Spiritual Courts. Vid. 15 Hen. 8. c. 7. Sect. 7.

The like is known touching Causes Matrimonial and Defamations, &c. I shall only instance one more, viz. in the great Cause of Non-Conformity; and that in an Act that is nearer to us, and of unquestionable Authority, which both directs what we should punish, and most solemnly requires by its own Authority to exercise our Ecclesiastical Power,

er, by the very *rules* and proper methods of our Spiritual Courts; in these words, 1 Eliz. before the Common Prayer: *Provided always, and be it Ordained and Enacted by the Authority aforesaid, That all and singular Archbishops and Bishops, and every of their Chancellors, Commissaries, Archdeacons, and other Ordinaries, having any peculiar Ecclesiastical Jurisdiction, shall have full power and Authority by vertue of this Act, as well to enquire in their Visitations, Synods, and elsewhere, within their Jurisdiction, at any other time or place, to take accusation and informations of all and every the things above mentioned, done, committed or perpetrated within the limits of their Jurisdictions and Authority, as to punish the same, by Admonition, Excommunication, Sequestration, or Deprivation, and other Censures and Processe, in like form as heretofore hath been used in like cases, by the Queens Ecclesiastical Laws.* This doubtless is very plain.

And hereupon, 'tis solemnly required in these words a little before: *For the due execution hereof, they do in Gods name earnestly require and charge all Archbishops, Bishops, and other Ordinaries, that they shall endeavour themselves to the utmost of their knowledges, that the due and true execution hereof may be had, throughout their Dioceses and Charges, as they will answer before God for such evils and plagues, whereby Almighty God may justly punish his people for neglecting this good and wholesome Law.*

Now



Now if in like cases it had not been lawful before this *Act*, for the *Spiritual Courts* so to proceed, why are the former *Laws* and use to be followed by these *directions*? Or if this *Act* cannot *impower* us, give us *reason* or *Law* against it. Or if any thing be a greater grievance to you in the *Spiritual Courts*, than the *punishment* provided for the crimes mentioned in this *Act*, say what it is, or say nothing.

But if these cases be not sufficient, Mr. Cary can tell you of at least *ten* particular matters, upon which the *Law* is, to grant the *Writ de Excommunicato capiendo*: and according to a known *Act* of *Parliament* made after this, viz. 5 *Eliz.* 23. which sufficiently allows and confirms our Ecclesiastical proceedings to the fences of too many, as some complain.

## CHAP. VII.

### Of Canons and Convocations.

WE see what Reason Mr. Hickeringill had to keep such a potter about the force of Ecclesiastical Canons, and the Authority of Convocations. Especially,

1. Seeing the late mentioned *Act* of 1 *Eliz.* supposeth the Ecclesiastical Laws, i. e. the Canons to be her own Laws; and requires



quires Ecclesiastical Judges so severely to put them in execution.

2. Seeing, since the Reformation, most of the matters of *Canons* are expressed and enjoined in *Acts of Parliament*; insomuch, that Ecclesiastical Jurisdiction might stand and proceed well enough, had we no other Canon but *Acts of Parliament*, as Mr. Hiceringill insinuates: and 'tis worthy his observation, that the greatest complaints of Dissenters, since the Kings happy return, have been upon the execution of *Acts of Parliament*, and that not so much by Ecclesiastical as Civil Ministers.

Indeed the Statute of Car. 2. that restored the Ecclesiastical Jurisdiction, hath a Provision, That by vertue of that *Act*, the *Canons* of 1640. shall not be of force; and that no *Canons* are made of force by that *Act* that were not formerly confirm'd by *Acts of Parliament*, or by the establish'd *Laws* of the Land, as they stood in Ann. 1639.

But 'tis evident enough, that by the 25 Hen. 8. c. 19. the old *Canons*, not against Law or Prerogative, are of force; and that the King with the Convocation, may make new ones, with the same Conditions; and indeed, while the Convocation is so limited by that *Act*, their power seems not very formidable.

My Lord Coke, who was not a Bigot for Spiritual Power, declares the Law in both those Cases; and tells us, That it was resolved by the Judges at a Committee of Lords, these restraints of the Convocation were grounded on that Statute. 1. They

1. They cannot *Assemble* without the *assent* of the King.

2. They cannot *Constitute* any *Canons* without his *licence*.

3. Nor *execute* them without his *Royal assent*.

4. Nor after his *assent*, but with these *four limitations*.

1. That they be not against the Kings *Prerogative*.

2. Nor against *Common Law*.

3. Nor against *Statute Law*.

4. Nor against any *Custom* of the Kingdom, *Rep. 12. p. 720.* And my Lord *Coke* adds, That these *restraints* put upon the *Convocation* by the 25 *Hen. 8.* are but an *affirmance* of what was before the *Statute*; and, as he saith (in his book of *Courts*) are but *declaratory* of the old *Common Law*; consequently the *Courts of Common Law* are to *bind* and *over-rule* all *Ecclesiastical* executions of *Canons*, and *secure* the *Crown* and the *Laws* against them.

pag. 323.

But what *Acts* of *Parliament* have *abrogated* the *Authority* of the *Synod 1603.* and quite *annihilated* the very *beings* of *Convocations*, I am yet to learn; though Mr. *Hickeringill* so *boldly* after his own way vents so wild a notion p. 3. & 12. or when that of 25 *Hen. 8. 19.* was *repealed*, or how they are made less than nothing at this day, than they were before, since that *Statute of limitations*, as he is pleased to insult?

He saith, They are far from being the *Representative Church of England*; for that

the people have not the least Vote in their Election. Pray, when was it otherwise than 'tis now? If the Law by Institution make the Clerk a guide to his flock in Spirituals; if the people do expressly make choice of him for such, or virtually consent in Law he should be so; and thereupon the Law allows this Clerk to elect members for the Convocation, and also reckons the Convocation to be the Representative Church of England; how comes it that Mr. Hickeringill who is so great a stickler for a Legal Religion should be so much wiser than the Law? and to scoff at its Constitutions?

I wish Mr. Hickeringill to beware of touching Foundations with his rude and bold Fancies, and disturbing the frame of Government. I am sure he will not abide by his own Rule, if he be well advised of the manner of Electing the great Representative of the people of England: 'tis our duty to study to be quiet, but some study to be otherwise. The wisest word in his Naked Truth is this; If men once come to dispute Authority, and the wisdom of the Laws and Law-makers, the next step is Confusion and Rebellion, p. 11.

## The Conclusion.

**T**HUS you have a Taste of the *Spirit* and Sence that runs through the Book called *Naked Truth*; his other little gross *mistakes* are not worthy observing, much less insisting on: such as these:

1. First, That all *Archdeaconries* have *Corpses* annex'd, which is certainly *otherwise*, in *most* *Archdeaconries* in some *Dioceses*.

2. Then that *Archdeacons* require *Procurations* when they do not *Visit*; which is not done in *some*, and I hope in no *Diocese*.

3. Lastly, That *Procurations* and *Synodals* are against *Law*, and not to be recovered by *Law* or *Conscience*; when he himself confesseth that they are due by ancient *Composition*: That *provision* (notwithstanding his old *Canons*) in *Visitations* is due; for which the *money*, paid for *Procurations*, is paid for them by vertue of that *Composition*: and whereas, they are due by undoubted and long *possession* and *Custom*, which is as *Law* in *England*: And to conclude, are not only *expresly* allow'd as due, but declared to be *recoverable* in the *Ecclesiastical Courts*, by the *Statute* of 34 *Hen. 8.*  
19.



I have, at *this time*, done with his *Materials*; and for the *Manner* of his Writing, let the *Sentence* of every *Reader* reproach and shame him. I like not the office of *Raking Kennels* or emptying *Fakes*; and all the harm I return him, is to *pray* heartily for him, That God would give him Grace soberly to read over his own *Books*, and with *tears* to wash these *dirty* sheets, wherein he hath plai'd the wanton; and indeed defiled *himself* more than his own *Nest* (whatever the unlucky *Bird* intended) and that with such a *barbarous* wit, and vile *Railery*, as is justly offensive to *God* and *Man*: with such wild *triumphs* of *scorn* and contempt of his own *Order* and *Office*, his *Betters* and *Superiors*; with such a profligate neglect of *Government* and *Peace*; and of his own *Conscience* and *Law* (against which, he confesseth, he still acts) yea, against his own *Interest*, *Safety*, and his very *Reputation*.

For all which Notorious and publick *Miscarriages*, I wish he thought it fit to do publick *Penance* in another *new* and *cleaner Sheet*.

I have to do with *two* Adversaries, Mr. *Hickeringill* and Mr. *Cary*: the *first* wisheth the *Church* of *England* had more power than it now hath; the *other*, that it had *less*. I presume in the *name* of the true *Sons* of this *Church*, that we are very thankful for the power we have, by the favour of our gracious *King* and his good *Laws*.

And as we do, and always shall *acknowledge* the *Dependence* of our Ecclesiastical



Jurisdiction upon the Imperial Crown of this Realm: So whether it seem good to the King and his High Court of Parliament, to augment or lessen it, or to continue it as it is, we shall still maintain our Loyalty, and manifest our duty, and chearfully submit our selves. But, Lord, *forgive our Enemies, Persecutors and Slanderers, and turn their hearts.*

THE

THE  
POSTSCRIPT.

**I** Have reserved a few *Authorities* for the satisfaction of such as have no mind or leisure to read the Book; which alone are sufficient to oppose and expose my *Adversaries* Objections.

I.

*Episcopal Government in the Church of England is as Ancient as the Church; and at first was subordinate, under God, only to our Kings, without any relation to or dependance on the Pope; and declared to be so, with the grounds and reasons thereof, very early by Edw. 1. and Edw. 3. and so Established by Acts of Parliament.*

*Read 25 Edw. 3. the sum is thus.*

Here we have a *Recital* of the first Statute against *Provisors*, to this effect; Whereas  
F 2 the

the Holy Church of *England* was founded in the Estate of *Prelacy* by the *Grandfather* of this King and his *Progenitors*, &c. and by them *endowed* with great *Possessions*, &c. for them to inform the People in the Law of *God*; to keep *Hospitality*, &c. And whereas the *King* and other *founders* of the said *Prelacies* were the *Rightful Adow-ers* thereof; and upon *Avoidance* of such Ecclesiastical Promotions, had power to advance thereunto their *Kinsmen*, *Friends*, and other *Learned men* of the *birth* of this *Realm*; which being so advanced, became able and worthy to serve the *King* in *Council*, and other places in the *Commonwealth*: The *Bishop of Rome* Usurping the *Seignior*y of such *Possessions* and *Benefices*, did give the same to *Aliens*, --- as if he were *Rightful Patron* of those *Benefices*; whereas, by the *Law of England*, he never had the *Right Patronage* thereof: whereby in short time all the *Spiritual Promotions* in this *Realm* would be ingrossed into the hands of *strangers*, *Canonical Elections* of *Prelates* would be abolished, works of *Charity* would cease, the *Founders* and true *Patrons* would be disinherited, the *Kings Council* weakned, and the whole *Kingdom* impoverished, and the *Laws* and *Rights* of the *Realm* destroyed.

Upon this complaint it was resolved in *Parliament*, That these *Oppressions* and grievances should not be suffered in any manner; and therefore it was Enacted,  
That

That the King and his Subjects should thenceforth enjoy their Rights of *Patronage*: that free Elections of *Archbishops* and *Bishops*, and other Prelates Elective should be made according to the Ancient Grants of the *Kings Progenitors* and their *Founders*; and that *No Provision* from *Rome* should be put in Execution; but that those *Provisors* should be Attached, Fined and Ransom'd at the *Kings Will*; and withal imprisoned, till they have renounced the benefit of their *Bulls*, satisfied the *Party* grieved, and given *sureties* not to commit the like offence again.

II.

Before this forementioned Act was made, the *Spiritual Courts* were in Being, and had Power by the Law of the Land, to try such Causes as were not to be tried by Common Law: so declared and Establish'd by Acts of Parliament. Vid. in the time of *Edw. 1. and Edw. 2.* near four Hundred years since.

*Circumspecte agatis*, 13 *Edw. 1. An. 1285.*

The King to his Judges sendeth greeting: Use your selves *circumspectly*, in all matters concerning the *Bishop of Norwich* and his Clergy; not punishing them if they hold *Plea* in things as be meer *Spiritual*, as *Penance* enjoyned by *Prelates*, Corporal



or Pecuniary -- for *Fornication, Adultery*, or such like: for *Tithes* and *Oblations* due and accustomed; *Reparations* of the Church and Church-yard; *Martuaries*, *Pensions*, laying violent hands upon a Clerk, *Causes of Defamation, Perjury*. All such demands are to be made in the *Spiritual Courts*; and the *Spiritual Judge* shall have power to take knowledge of them notwithstanding the *Kings Prohibition*.

## III.

Hereupon a Consultation was to be granted  
24 Edw. 1. as followeth.

Whereas *Ecclesiastical Judges* have often surceased to proceed by force of the *Kings Writ of Prohibition* in Cases, whereas Remedy could not be had in the *Kings Courts* -- our Lord the *King Willeth* and Commandeth, That where *Ecclesiastical Judges* do surcease in the *aforesaid Cases*, by the *Kings Prohibition*, that the *Chancellor* or the *Chief Justice*, upon sight of the *Libel*, at the instance of the *Plaintiff* (if they can see that the *Case* cannot be redressed by *Writ* out of *Chancery*, but that the *Spiritual Court* ought to determine the *Matters*) shall write to the *Ecclesiastical Judge*, that he proceed therein, notwithstanding the *Kings Prohibition*.

More particularly, Those Cases reserved by *Law* and *Statute*, against which no *Prohibition*



hibition can be legally granted, are enumerated in *Articul. Cleri*, 9 Edw. 2.

IV.

Thus the proceedings of the *Spiritual Courts*, and the *Causes* belonging to them were *supposed, directed, allowed, and Establish'd* by these *Ancient Statutes*.

And lest those *Causes* have not been sufficiently specified, no *Prohibition* shall be awarded out of *Chancery*, but in *Case* where we have the connuſance, and of Right ought to have; as it is in the 18 of *Edw. 3.* provided.

Whence 'tis a general Rule, both in *Law* and *Statute*, That such cases as have no remedy provided in the other *Law*, belong to the *Spiritual Courts*: and indeed, it hence appears they have ever done so; because we no where find in our *Laws*, that the *Common Law* did ever provide for them: and because the *Kingdom of England* is an *intire Empire*, where the *King* is furnish'd with a *Temporality* and *Spirituality*, sufficient to administer Justice to all persons, and in all *Causes* whatsoever: And consequently, what *Causes* are not in the connuſance of the *Common Law*, belong to the *Spiritual Jurisdiction*, which is plainly implied in 24 *Hen. 8. c. 12.* and other *Statutes*.

Upon the same ground in Law depend three great truths. 1. The *Antiquity* of Ecclesiastical Courts. 2. Their dependance upon the Crown. 3. The perfection of the Government, to administer Justice in all cases to all persons, from the *Supream* Power exercised in the *Temporal* and *Spiritual* Courts; all which lie in the Preamble of that *Statute* according to our *Ancient* *Laws*.

For, saith my Lord Coke in the conclusion of *Cawdries Case*, it hath appeared, as well by the *ancient* Common Laws of this Realm, by the *Resolution* of the *Judges* and *Sages* of the *Laws* of *England* in all succession of *Ages*, as by Authority of many *Acts* of Parliament, *ancient* and of *latter* times, That the *Kingdom* of *England* is an absolute *Monarchy*, and that the *King* is the only *Supream* Governour, as well over *Ecclesiastical* persons, and in *Ecclesiastical* *Causes*, as *Temporal*. To the due observation of which *Laws*, both the *King* and the *Subject* are sworn.

V. If you desire a more full and particular account of such *Cases*, as being not provided for at *Common Law*, are therefore, and have been ever under the *Spiritual* power, take this excellent Enumeration of my Lord Coke.

*Cawdries*  
*Case.*

Observe

Observe ( good Reader ) seeing that the determination of *Heresies, Schisms, and Errors* in Religion, *Ordering, Examinati- on, Admission, Institution and Deprivation* of men of the Church ( which do concern God's true Religion and Service ) of right of *Matrimony, Divorces, and general Bastardy*, ( whereupon depend the strength of mens *Descents and Inheritances* ) of Pro- bate of *Testaments*, and Letters of *Admini- stration* ( without which no debt or duty due to any dead man can be recovered by the *Common Law* ) *Mortuaries, Pensions, Procu- rations, Reparations* of Churches, *Simony, Incest, Adultery, Fornication and Inconti- nency*, and some others, doth not belong to the *Common Law*, how necessary it was for administration of Justice, that his Ma- jestie's Progenitors, Kings of this Realm, did by publick Authority authorize *Ecclesiastical Courts* under them, to determine those great and important Causes Ecclesiastical ( exempted from the Jurisdiction of the *Com- mon Law* ) by the Kings Laws Ecclesiastical, which was done originally for two causes.

1. That Justice should be administred under the Kings of this Realm, within their own Kingdom, to all their Subjects, and in all causes.
2. That the Kings of England should be furnished upon all occasions, ei- ther foreign or domestical, with Learned Professors, as well of the Ecclesiastical as Temporal Laws.

## VI.

*Ecclesiastical Laws are the Kings Laws, though Procelle be not in the Kings Name.*

Coke,  
Cawdr.  
Case, lat-  
ter end.

Now, (albeit the proceedings and Procelle of the Ecclesiastical Courts be in the Name of the *Bishops*, &c. it followeth not therefore, that either the Court is not the *Kings*, or the *Law*, whereby they proceed, is not the *King's Law*. For taking one example for many, every *Leer* or *View of Frankpledge* holden by a *Subiect* is kept in the *Lords Name*, and yet it is the *Kings Court*, and all the proceedings therein are directed by the *Kings Laws*.

## VII.

*Spiritual Causes secured from Prohibitions, notwithstanding, by Acts of Parliament. Lord Coke, Cawdries Case in Edw. 2.*

N. B.

Albeit, by the Ordinance of *Circumspecte agatur* made in the 13 year of *Edw. 1.* and by *genorall allowance* and *usage*, the *Ecclesiastical Court* held *Plea of Tithes*, *Obrventions*, *Oblations*, *Mortuaries*, *Redemptions of Penance*, laying of violent hands upon a *Clerk*, *Defamations*, &c. yet did not the *Clergie* think



think themselves assured, nor quiet from *Prohibitions* purchased by Subjects, until that *King Edw. the Second* by his *Letters Patents*, under the Great Seal, in, and by consent of *Parliament*, upon the *Petitions* of the *Clergie*, had granted unto them to have *Jurisdiction* in those *Cases*. The *King* in a *Parliament* holden in the Ninth year of his *Reign*, after particular *Answers* made to their *Petitions* concerning the matters above said, doth grant and give his *Royal assent* in these words.

*We desiring, as much of right as we may, to provide for the state of the Church of England, and the tranquillity and quiet of the Prelates of the said Clergie, to the honour of God, and the amendment of the state of the said Church, and of the Prelates and Clergie; ratifying and approving all and singular the said Answers which appear in the said Act; and all and singular things in the said Answers contained, We do for Us and Our Heirs grant, and command, that the said be inviolably kept for ever: willing and granting for Us and Our Heirs, that the said Prelates and Clergie, and their Successors for ever, do exercise Ecclesiastical Jurisdiction in the Premises, according to the tenour of the said Answer.*

## VIII.

The *Ecclesiastical Jurisdiction* is a branch of the *Kings Supremacy*; and he that denieth



*Cawdrie's  
Case.*

eth it, denieth the King to be a compleat Monarch, and Head of the whole intire body of the Realm, as my Lord Coke assures us, both from the Common Law and many Statutes in all Ages --- made on purpose, from time to time, to vindicate the Crown and secure our own Church and its Jurisdiction under the Crown from the Pope; and his illegal Encroachments and Usurpations before, and more especially by Hen. 8. and since the Reformation; as is very amply proved by my Lord Coke, in his most excellent discourse on *Cawdrie's Case*, and since very learnedly and fully by Sir John Davis, Atturney General in Ireland, in his *Case of Præmunire*, called *Lalor's Case*; both which should be well read by all that desire satisfaction in this weighty point.

Thus the Jurisdiction of this Church, in subordination to the Supream Head of it, hath proceeded through all time, in the Laws and Statutes of our own Kingdom; and was never legally interrupted, till the 17 of Car. 1. but that Act repeal'd by the 13 of our present gracious King, it stands firm again, according to the letter of the said last Act, upon its ancient legal Basis.

# IX.

The old Objection, that the Spiritual Courts do not Act in the Kings Name, &c. is fully Answered in the Book; but, because it is only mentioned there, that  
the

the Case was resolved by the Judges in King James's time: I shall here set it down, as abridg'd (for brevity) out of my Lord Coke by Manly. L. Coke, Rep. 12. p. 7.

*Pasch. 4 Jac. Regis.*

At this Parliament, it was strongly urg'd at a grand Committee of the Lords and Commons in the Painted Chamber; that such Bishops as were made after the first day of the Session, were not lawful Bishops.

1. Admitting them Bishops, yet the Manner and Form of their Seals, Stiles, Procelle and proceedings in their Ecclesiastical Courts, were not consonant to Law; because, by the Stat. 1 Edw. 6. 2. it is provided, that thenceforth Bishops should not be Elective, but Donative, by Letters Patents of the King; and for that, at this day, all Bishops were made by Election, not Donation of the King; therefore the said Bishops are not lawful.

2. By the same Act it is provided, that all Summons, &c. and Procelle in Ecclesiastical Courts shall be made in the Kings Name and Stile, and their Seals engraven with the Kings Arms, and Certificates made in the Kings Name: it was therefore concluded, that the said Statute being still in force, by consequence all the Bishops made after the Act of 1 Jac. were not lawful Bishops; and the proceedings being in the Name

*Name of the Bishop, makes them unlawful,  
quia non observata forma inferitur annullatio  
Actus.*

Upon consideration of these *Objections*, by the *Kings* Commandment, it was Resolved by *Popham* Chief Justice of *England*, and *Coke* Atturny of the King, and after affirmed by the *Chief Baron*, and the other *Justices* attendant to the *Parliament*, that the said *Act* of 1 *Edw.* 6. 2. is not now in force; being Repealed, Annulled and Annihilated by three several *Acts* of *Parliament*; any whereof being in force, it makes that *Act* of 1 *Edw.* 6. that it cannot stand, *quia Leges posteriores priores contrarias abrogant*: And by the *Act* of the 25 *Hen.* 8. c. 20. is set forth the manner of *Election* and *Consecration* of *Archbishops* and *Bishops*; and also for the making and *Execution* of all things which belong to their *Authority*: with which words the *Stile* and *Seal* of their Courts, and the manner of their proceedings are included: which *Act* of 25 *Hen.* 8. is Revived by 1 *Eliz.* c. 1. and consequently, that of 1 *Edw.* 6. c. 2. is Repealed.

I advise the *Reader* to see it, as more at large, expressed; and the repealing Statutes particularly mentioned, and argued in my Lord *Coke*, 12 *Rep.* p. 7, 8, 9. and bid him farewell, and not be wiser than the *Law*.

FINIS.

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*A Catalogue of some Books  
lately Printed for Richard  
Royston.*

**R**oma Ruit : The Pillars of Rome broken : wherein all the several *Pleas* for the *Pope's* Authority in *England*, with all the *Material* Defences of them, as they have been urged by *Romanists* from the beginning of our *Reformation* to this day, are *Revised* and *Answered*. By *Fr. Fullwood*, D. D. Archdeacon of *Tornes* in *Devon*.

*The New Distemper* : Or the Dissenters Usual *Pleas* for *Comprehension*, *Tolerati-*  
*on*, and the *Renouncing* the *Covenant*,  
*Consider'd* and *Discuss'd* ; with some *Re-*  
*flexions* upon *Mr. Baxter's* and *Mr. Alsop's*  
late *Pamphlets*, published in *Answer* to the  
*Reverend Dean* of *S. Paul's* *Sermon* con-  
cerning *Separation*.

The *Lively Picture* of *Lewis du Moulin*,  
drawn by an incomparable Hand. To-  
gether with his *Last Words* : Being his *Re-*  
*tractation* of all the *Personal* *Reflections* he  
had made on the *Divines* of the *Church* of  
*England*, ( in several *Books* of his ) *Signed*  
by himself on the *Fifth* and the *Seventeenth*  
of *October*, 1680.

*Christ's*



*Christ's Counsel to his Church: In Two  
Sermons preached at the two last Fasts.  
By S. Patrick, Dean of Peterburgh, and  
Chaplain in Ordinary to his Majesty.*

**THE END.**